

Notice of meeting and agenda

Development Management Sub-Committee

10.00 am Wednesday, 11th January, 2023

Dean of Guild Court Room - City Chambers

This is a public meeting and members of the public are welcome watch the live webcast on the Council's website.

Contacts

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1. Order of business

- 1.1 Including any notices of motion, hearing requests from ward councillors and any other items of business submitted as urgent for consideration at the meeting.
- 1.2 Any member of the Council can request a Hearing if an item raises a local issue affecting their ward. Members of the Sub-Committee can request a presentation on any items in part 4 or 5 of the agenda. Members must advise Committee Services of their request by no later than **1.00pm on Monday 9th January 2023** (see contact details in the further information section at the end of this agenda).
- 1.3 If a member of the Council has submitted a written request for a hearing to be held on an application that raises a local issue affecting their ward, the Development Management Sub-Committee will decide after receiving a presentation on the application whether or not to hold a hearing based on the information submitted. All requests for hearings will be notified to members prior to the meeting.

2. Declaration of interests

- 2.1 Members should declare any financial and non-financial interests they have in the items of business for consideration, identifying the relevant agenda item and the nature of their interest.

3. Minutes

- 3.1 Minutes of Previous Meeting of Development Management Sub Committee 7th December 2022 – submitted for approval as a correct record 11 - 34

4. General Applications, Miscellaneous Business and Pre-Application Reports

The key issues for the Pre-Application reports and the recommendation by the Chief Planning Officer or other Chief Officers detailed in their reports on applications will be approved without debate unless the Clerk to the meeting indicates otherwise during “Order of Business” at item 1.

Pre-Applications

- 4.1** Report for forthcoming application by City Of Edinburgh Council. 35 - 42
for Proposal of Application Notice at 103 Newcraighall Road, Edinburgh (at Land 445 Metres North Of) - Proposal is for a replacement School for Newcraighall Primary School (3-stream, 630 pupils) - a new Passivhaus, ultra-low energy school, with an adjoining Nursery (128 children). All accommodation will be within the one, two-storey building and exceed a total gross external floor area (GEFA) of 5,000sqm. The development also includes landscaped school grounds and sports pitch. The school is situated in the centre of the wider new Brunstane Masterplan development (reference 16/04122/PPP) - application no. 22/05563/PAN – Report by the Chief Planning Officer
- It is recommended that the Committee notes the key issues at this stage and advises of any other issues.
- 4.2** Report for forthcoming application by S Harrison Developments Ltd. for Proposal of Application Notice at 94 Ocean Drive, Edinburgh (at Land 58 Metres South Of) - Erection of mixed-use development potentially comprising residential, hotel, purpose-built student accommodation, along with commercial uses /co-working and amenity space, landscaping and infrastructure - application no. 22/05811/PAN – Report by the Chief Planning Officer 43 - 50
- It is recommended that the Committee notes the key issues at this stage and advises of any other issues.

- Applications** 51 - 68
- 4.3** 8 & 9 Albyn Place, Edinburgh EH2 4NG - Change of use from English language school to form 20 No. commercially managed short term let apartments including a rear extension and internal alterations - application no. 22/01636/FUL– Report by the Chief Planning Officer
- It is recommended that this application be **GRANTED**.
- 4.4** 8 & 9 Albyn Place, Edinburgh EH2 4NG - Rear extension and internal alterations. The accompanying design statement and plans detail the proposed alterations and small extension - application no. 22/01637/LBC – Report by the Chief Planning Officer 69 - 78
- It is recommended that this application be **GRANTED**.
- 4.5** Granton Harbour, West Harbour Road, Edinburgh - Mixed-use development comprising houses, flats and commercial units; surrounding roads, public realm areas and infill of land (Plot 35A) - application no. 21/06413/FUL – Report by the Chief Planning Officer 79 - 108
- It is recommended that this application be **REFUSED**.
- 4.6** Gas Holder North Of, Waterfront Broadway, Edinburgh - Proposed external illumination of the existing Granton Gasholder guide frame - application no. 22/05147/LBC – Report by the Chief Planning Officer 109 - 116
- It is recommended that this application be **GRANTED**.
- 4.7** Harlaw Reservoir, Harlaw Road, Balerno - To provide toilet facilities and create a seasonal (between March & October) eco-campsite at Harlaw Reservoir - application no. 20/05112/FUL – Report by the Chief Planning Officer 117 - 128

It is recommended that this application be **GRANTED**.

- 4.8** 272 Portobello High Street, Edinburgh, EH15 2AT - Alter hours of operation approved in planning permission 21/00108/FUL from 8am-10pm to 8am-12am 7 days a week - application no. 22/04208/FUL – Report by the Chief Planning Officer

129 - 136

It is recommended that this application be **REFUSED**.

- 4.9** 54 Rosslyn Crescent, Edinburgh EH6 5AX - Proposed conversion of bowling club and bowling green to residential dwelling and garden - application no. 22/00745/FUL – Report by the Chief Planning Officer

137 - 148

It is recommended that this application be **GRANTED**.

- 4.10** 14 Wester Coates Gardens, Edinburgh, EH12 5LT - Demolition of existing and construction of new dwelling - application no. 22/03600/FUL – Report by the Chief Planning Officer

149 - 164

It is recommended that this application be **GRANTED**.

- 4.11** 14 Wester Coats Gardens, Edinburgh - Demolition of dwelling - application no. 22/03601/CON – Report by the Chief Planning Officer

165 - 172

It is recommended that this application be **GRANTED**.

- 4.12** 10 Wheatfield Road, Edinburgh - Application for a Planning (Hazardous Substances) Consent Variation - application no. 20/01709/HSC – Report by the Chief Planning Officer

173 - 190

It is recommended that this application be **GRANTED**.

- 4.13** 229 Willowbraw Road, Edinburgh - A residential development

191 - 212

consisting of 48 apartments with a commercial unit at ground level - application no. 22/02740/FUL – Report by the Chief Planning Officer

It is recommended that this application be **GRANTED**.

- 4.14** 23 Yeaman Place, Edinburgh - Proposed demolition of existing buildings and structures and erection of a purpose-built student accommodation development, with associated active travel routes, landscaping, cycle parking and other associated infrastructure, as amended - application no. 22/03556/FUL – Report by the Chief Planning Officer 213 - 234

It is recommended that this application be **GRANTED**.

5. Returning Applications

These applications have been discussed previously by the Sub-Committee. A decision to grant, refuse or continue consideration will be made following a presentation by the Chief Planning Officer and discussion on each item.

- 5.1** None.

6. Applications for Hearing

The Chief Planning Officer has identified the following applications as meeting the criteria for Hearings. The protocol note by the Head of Strategy and Insight sets out the procedure for the hearing.

- 6.1** None.

7. Applications for Detailed Presentation

The Chief Planning Officer has identified the following applications for detailed presentation to the Sub-Committee. A decision to grant, refuse or continue consideration will be made following the presentation and discussion on each item.

7.1 72-74 Eyre Place, Edinburgh - Proposed erection of nine townhouses with associated amenity space, access, cycle parking, car parking and landscaping - application no. 22/03833/FUL – Report by the Chief Planning Officer 235 - 252

It is recommended that this application be **GRANTED**.

7.2 72-74 Eyre Place, Edinburgh - Erection of student accommodation with associated amenity space, access, cycle parking and landscaping (142 studio flats) (as amended) - application no. 22/03834/FUL – Report by the Chief Planning Officer 253 - 274

It is recommended that this application be **GRANTED**.

8. Returning Applications Following Site Visit

These applications have been discussed at a previous meeting of the Sub-Committee and were continued to allow members to visit the sites. A decision to grant, refuse or continue consideration will be made following a presentation by the Chief Planning Officer and discussion on each item.

8.1 None.

Nick Smith

Service Director, Legal and Assurance

Committee Members

Councillor Hal Osler (Convener), Councillor Alan Beal, Councillor Chas Booth, Councillor Lezley Marion Cameron, Councillor James Dalgleish, Councillor Neil Gardiner, Councillor Euan Hyslop, Councillor Tim Jones, Councillor Amy McNeese-Mechan, Councillor Joanna Mowat and Councillor Kayleigh O'Neill

Information about the Development Management Sub-Committee

The Development Management Sub-Committee consists of 11 Councillors and is appointed by the City of Edinburgh Council. This meeting of the Development Management Sub-Committee is being held in the Dean of Guild Court Room in the City Chambers on the High Street in Edinburgh and remotely by Microsoft Teams.

Further information

If you have any questions about the agenda or meeting arrangements, please contact Jamie Macrae, Committee Services, City of Edinburgh Council, Business Centre 2.1, Waverley Court, 4 East Market Street, Edinburgh EH8 8BG, Tel 0131 553 8242, email jamie.macrae@edinburgh.gov.uk / taylor.ward@edinburgh.gov.uk.

The agenda, minutes and public reports for this meeting and all the main Council committees can be viewed online by going to <https://democracy.edinburgh.gov.uk/>.

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Development Management Sub-Committee of the Planning Committee

10.00 am, Wednesday 7 December 2022

Present:

Councillors Osler (Convener), Beal, Booth, Cameron (items 4.1- 4.43, 4.45 - 4.86 and 7.1-7.5), Dalgleish (items 4.1-4.3, 4.5, 4.7-4.86 and 7.1-7.5), Gardiner (items 4.1,4.2, 4.4 - 4.86, 7.1, 7.2 and 7.5), Hyslop (items 4.1,4.2, 4.4 - 4.86, 7.1-7.5), Jones, McNeese-Mechan (items 4.5, 4.8, 4.11, 4.44 and 7.1 - 7.5) and O'Neil.

1. Minutes

Decision

- 1) To approve the minute of the Development Management Sub-Committee of 9 November 2022 as a correct record.
- 2) To approve the minute of the Development Management Sub-Committee of 23 November 2022 as a correct record.

2. General Applications and Miscellaneous Business

The Sub-Committee considered reports on planning applications listed in Sections 4 and 7 of the agenda for this meeting.

Requests for Presentations:

Councillors Booth and O'Neill requested a presentation in respect of item 4.1 – 14 - 17 Atholl Crescent, Edinburgh, EH3 8HA - application no. 21/03992/FUL.

Councillor Booth requested a presentation in respect of item 4.2 – 14 - 17 Atholl Crescent, Edinburgh, EH3 8HA - application no. 21/03991/LBC.

Councillors Booth and O'Neill requested a presentation in respect of item 4.3 – Salamander Street/Bath Road, Edinburgh, EH6 7JZ - application no. 21/01163/PPP.

Councillor Beal requested a presentation in respect of item 4.5 – 94 Nicolson Street, Davie Street, Edinburgh - application no. 22/01355/FUL.

Councillor O'Neill requested a presentation in respect of item 4.8 – Pennywell Muirhouse, Pennywell Road, Edinburgh - application no. 21/06738/AMC.

Councillor Cameron requested a presentation in respect of item 4.11 – 5 Winton Drive, Edinburgh, EH10 7AL - application no. 22/02335/FUL.

Councillor Booth requested a presentation in respect of - Item 4.44 – 17 South Charlotte Street, Edinburgh, EH2 4AS - application no. 22/02650/FUL

Declaration of Interests

Councillor Gardiner made a non-financial declaration of interest in items 7.3 and 7.4, as he had held discussions with the applicant and did not take part in the discussion and decision on this item.

Decision

To determine the applications as detailed in the Appendix to this minute.

(Reference – reports by the Chief Planning Officer, submitted)

3. 6 New Market Road (Site 117 Metres Southwest Of), Edinburgh

- (a) Details were provided of proposals for planning permission for mixed-use development including built-to-rent homes and student accommodation with ancillary development including commercial use (Class 1, 2, 3, 4, 10, and 11), demolitions, public realm, landscaping and access at 6, New Market Road, Edinburgh (Site 117 Metres Southwest Of) - application no. 22/00670/FUL

The Chief Planning Officer gave details of the proposals and the planning considerations involved and recommended that the application be granted.

Motion

To **GRANT** planning permission subject to:

- 1) The conditions, reasons, informatives and a legal agreement as set out in section C of the report by the Chief Planning Officer.
- 2) An additional condition that the lift should be enclosed and that the Planning Authority should be satisfied with the design of the lift.
- 3) An additional informative regarding the maintenance of the lift.

Application required to be referred to Scottish Ministers following a direction issued on 6 December 2022

- moved by Councillor Osler, seconded by Councillor Cameron.

Amendment

To **REFUSE** Planning Permission as the proposals were contrary to Edinburgh Local Development Plan Policies Des 5a Env 2, Env 3 and Env 4, and Section 59 Planning (Listed Building and Conservation Areas) Scotland Act 1997.

- moved by Councillor Booth, seconded by Councillor Gardiner

Voting

For the motion - 6

For the amendment - 4

(For the motion: Councillors Beal, Cameron, Dalgleish, Jones, McNeese-Mechan and Osler.)

(For the amendment: Councillors Booth, Gardiner, Hyslop and O'Neill.)

Decision

To **GRANT** planning permission subject to:

- 1) The conditions, reasons, informatives and a legal agreement as set out in section C of the report by the Chief Planning Officer.
- 2) An additional condition that the lift should be enclosed and that the Planning Authority should be satisfied with the design of the lift.
- 3) An additional informative regarding the maintenance of the lift.

Application required to be referred to Scottish Ministers following a direction issued on 6 December 2022.

- (b) Details were provided of proposals for part demolition and alterations of listed buildings in association with proposed mixed-use development at 6, New Market Road (Site 117 Metres southwest of), Edinburgh - application no. 22/00671/LBC

The Chief Planning Officer gave details of the proposals and the planning considerations involved and recommended that the application be granted.

Motion

To **GRANT** listed building consent subject to the conditions, reasons and informatives as set out in section C of the report by the Chief Planning Officer.

Application required to be referred to Scottish Ministers following a direction issued on 6 December 2022

- moved by Councillor Osler, seconded by Councillor Cameron

Amendment

To **REFUSE** listed building consent as the proposals were contrary to Edinburgh Local Development Plan Policies Des 5a Env 2, Env 3 and Env 4, and Section 14 of Planning (Listed Building and Conservation Areas) Scotland Act 1997.

- moved by Councillor Booth, seconded by Councillor Gardiner

Voting

For the motion - 5

For the amendment - 4

(For the motion: Councillors Beal, Cameron, Dalgleish, Jones and Osler.)

(For the amendment: Councillors Booth, Gardiner, Hyslop and O'Neill.)

Decision

To **GRANT** listed building consent subject to the conditions, reasons and informatives as set out in section C of the report by the Chief Planning Officer.

Application required to be referred to Scottish Ministers following a direction issued on 6 December 2022

(References – reports by the Chief Planning Officer, submitted)

4. **St James Square (Festival Event Space), Edinburgh**

Details were provided of proposals for planning permission for the erection of temporary structures and enclosures, including bar, and other associated works to facilitate use of St James Square as an external events space at proposed Festival Event Space at St James Square, Edinburgh. Permission sought for one year (2022/23) - application no. 22/04715/FUL.

The Chief Planning Officer gave details of the proposals and the planning considerations involved and recommended that the application be granted.

Motion

To **GRANT** planning permission subject to the conditions and reasons as set out in section C of the report by the Chief Planning Officer and for this particular period for this Christmas only.

- moved by Councillor Jones, seconded by Councillor Cameron

Amendment

To **REFUSE** planning permission as the proposals were contrary to Edinburgh Local Development Plan Polices Des 5, Ret 7 and Ret 11.

- moved by Councillor Osler, seconded by Councillor Booth

Voting

For the motion - 3

For the amendment - 7

(For the motion: Councillors Cameron, Jones and McNeese-Mechan.)

(For the amendment: Councillors Beal, Booth, Dalgleish, Gardiner, Hyslop, O'Neill and Osler.)

Decision

To **REFUSE** planning permission as the proposals were contrary to Edinburgh Local Development Plan Polices Des 5, Ret 7 and Ret 11.

(Reference – report by the Chief Planning Officer, submitted)

5. **14-17 Atholl Crescent, Edinburgh**

Details were provided of proposals for:

- Planning permission for change of use from office to form 34x residential units with associated works (as amended) at 14 - 17 Atholl Crescent, Edinburgh - application no. 21/03992/FUL.
- Listed building consent for internal and external alterations to facilitate change of use from office to residential (as amended) at 14 - 17 Atholl Crescent, Edinburgh - application no. – 21/03991/LBC

The Chief Planning Officer gave details of the proposals and the planning considerations involved and recommended that the application be granted.

Motion

To **GRANT** planning permission subject to the conditions, reasons, informatives and a legal agreement as set out in section C of the report by the Chief Planning Officer additional condition that details of advised cycle stores proposals should be submitted and agreed.

- moved by Councillor Osler, seconded by Councillor Cameron.

Amendment 1

To **CONTINUE** consideration of the applications to explore equal access for 15 Atholl Crescent and for officers to consider the inclusion of a lift and a stair within the property at Number 15.

- moved by Councillor Jones, seconded by Councillor Gardiner.

Amendment 2

To **REFUSE** planning permission as the application was contrary to LDP Policies Des 7e, Hou 2, Hou 5a and d and Hou 6

- moved by Councillor Booth, seconded by Councillor O'Neill.

As per Standing Order 24.4, when a motion and two or more amendments are before the Council or Committee and the adoption of one or more of the proposals would result in either the continuation of a decision or no action, a vote will firstly be taken on the proposal(s) involving continuation. A vote was therefore taken on the proposal to continue consideration.

Voting

For Continuation - 5

Against Continuation - 4

(For Continuation: Councillor Booth, Gardiner, Hyslop, Jones and O'Neill.)

(Against Continuation: Councillors Beal, Cameron, Dalgleish and Osler.)

Decision (a)

To **CONTINUE** consideration of the matter to explore equal access for 15 Atholl Crescent and for officers to consider the inclusion of a lift and a stair within the property at Number 15 for application 21/03992/FUL.

Decision (b)

To **CONTINUE** consideration of the matter to explore equal access for 15 Atholl Crescent and for officers to consider the inclusion of a lift and a stair within the property at Number 15 for application 21/03991/LBC

(Reference – report by the Chief Planning Officer, submitted)

6. 5 Winton Drive, Edinburgh

Details were provided of proposals for planning for the demolition of the existing building and erection of a 62-bed care home with associated parking and landscaping at 5 Winton Drive, Edinburgh - application no. 22/02335/FUL.

The Chief Planning Officer gave details of the proposals and the planning considerations involved and recommended that the application be refused.

Motion

- 1) To **REFUSE** planning permission for the reasons set out in section C of the report by the Chief Planning Officer.
 - 2) The amendment to reason 4 of the refusals from the Planning Officer to: “The proposal is contrary to the Local Development Plan Policy Env 12 in respect of Trees, as it will have an adverse impact on canopies and root protection areas of the trees”.
- moved by Councillor Osler, seconded by Councillor Booth

Amendment

To **CONTINUE** consideration of the matter for a site visit.

- moved by Councillor Cameron, seconded by Councillor Jones

Voting

For the motion - 5

For the amendment - 4

(For the motion: Councillors Beal, Booth, Dalglish, O'Neill and Osler.

For the amendment: Councillors Cameron, Gardiner, Hyslop and Jones.)

Decision

- 1) To **REFUSE** planning permission for the reasons set out in section C of the report by the Chief Planning Officer.
- 2) The amendment to reason 4 of the refusals from the Planning Officer to: "The proposal is contrary to the Local Development Plan Policy Env 12 in respect of Trees, as it will have an adverse impact on canopies and root protection areas of the trees".

(Reference – report by the Chief Planning Officer, submitted)

Appendix

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
<p>Note: Detailed conditions/reasons for the following decisions are contained in the statutory planning register.</p>		
<p>4.1 – 14 - 17 Atholl Crescent, Edinburgh, EH3 8HA</p>	<p>Change of Use from office to form 34x residential units with associated works (as amended) - application no. 21/03992/FUL</p>	<p>To CONTINUE consideration of the matter to explore equal access for 15 Atholl Crescent and for officers to consider the inclusion of a lift and a stair within the property at Number 15. (On a division.)</p>
<p>4.2 - 14 - 17 Atholl Crescent, Edinburgh, EH3 8HA</p>	<p>Internal and external alterations to facilitate change of use from office to residential (as amended) - application no. – 21/03991/LBC</p>	<p>To CONTINUE consideration of the matter to explore equal access for 15 Atholl Crescent and for officers to consider the inclusion of a lift and a stair within the property at Number 15.</p>
<p>4.3 – Salamander Street/Bath Road, Edinburgh, EH6 7JZ</p>	<p>Demolition of existing buildings and erection of mixed-use development comprising flatted residential, office and commercial floorspace with associated access arrangements, parking, landscaping and ancillary works (as amended scheme 3) - application no. 21/01163/PPP</p>	<p>To GRANT planning permission in principal subject to the conditions, reasons, informatives and a legal agreement as set out in section C of the report by the Chief Planning Officer.</p>
<p>4.4 – 146 Duddingston Road West, Duddingston, Edinburgh</p>	<p>Application under Section 75A for the Modification of Planning Obligations in relation to affordable housing to provide a commuted sum (As Amended) - application no – 22/02723/OBL</p>	<p>To ACCEPT the modification to the planning obligation to provide a commuted sum and AGREE that the legal agreement can be modified. subject to the informative in section C of the report by the Chief Planning Officer.</p>

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
<p>4.5 – 94 Nicolson Street, Davie Street, Edinburgh (Site east of)</p>	<p>Partial demolition of the existing retail store and construction of flatted dwellings and associated infrastructure - application no. 22/01355/FUL</p>	<p>To GRANT planning permission subject to the conditions, reasons, informatives and a legal agreement as set out in section C of the report by the Chief Planning Officer.</p>
<p>4.6 – 2 Oxfangs Path, Edinburgh, EH13 9LX</p>	<p>Demolition of existing office building and construction of 11x flats with associated external works (as amended) - application no. 22/02052/FUL</p>	<p>To GRANT planning permission subject to the conditions, reasons, informatives and a legal agreement as set out in section C of the report by the Chief Planning Officer.</p>
<p>4.7 - 3F2 13 Parkside Terrace, Edinburgh, EH16 5BL</p>	<p>Form separate flat with new access, roof lights and skylight (as amended) - application no. 22/01082/FUL</p>	<p>To GRANT planning permission subject to the conditions and informatives as set out in section C of the report by the Chief Planning Officer.</p>
<p>4.8 - Pennywell Muirhouse, Pennywell Road, Edinburgh (Approval of Matters Specified in Conds Regeneration Masterplan)</p>	<p>Proposed development of a brownfield site for the provision of 94 No. new residential units for private sale including vehicular access, site wide drainage and landscaping (As Amended) - application no. 21/06738/AMC</p>	<p>To APPROVE the application for Matters Specified in Conditions subject to the conditions, reasons and informatives in section C of the report by the Chief Planning Officer.</p>
<p>4.9 - 36 Regent Street, Edinburgh, EH15 2AX</p>	<p>Replacement of an existing outbuilding at the rear of the garden with a new garden room structure (as amended) - application no. 21/06643/FUL</p>	<p>To GRANT planning permission subject to the conditions, reasons and informatives as set out in section C of the report by the Chief Planning Officer.</p>

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
<p>4.10 - 20 West Shore Road, Edinburgh, EH5 1QD</p>	<p>Mixed-use development comprising creative studio and business incubation space, workshop manufacturing and storage with ancillary retail, events space, indoor and outdoor food market, food outlets, leisure uses and associated landscaping - application no. 22/01726/FUL</p>	<p>To GRANT planning permission subject to the conditions, reasons and informatives as set out in section C of the report by the Chief Planning Officer.</p>
<p>4.11 - 5 Winton Drive, Edinburgh, EH10 7AL</p>	<p>Demolition of the existing building and erection of a 62-bed care home with associated parking and landscaping - application no. 22/02335/FUL</p>	<p>1) It is recommended that this application be REFUSED for the reasons set out in section C of the report by the Chief Planning Officer.</p> <p>2) The amendment to reason 4 of the refusals from the Planning Officer to: “The proposal is contrary to the Local Development Plan Policy Env 12 in respect of Trees, as it will have an adverse impact on canopies and root protection areas of the trees”.</p> <p>(On a division.)</p>
<p>4.12 - 55 Woodhall Road, Edinburgh, EH13 0HD</p>	<p>Form new dwelling (as amended) - application no. 21/06189/FUL</p>	<p>To GRANT planning permission subject to the conditions, reasons and informatives as set out in section C of the report by the Chief Planning Officer.</p>
<p>4.13 - 20 Dublin Street Lane South, Edinburgh, EH1 3PX</p>	<p>Change of use (retrospective) from residential to short term let (sui generis) - application no. 22/03619/FUL</p>	<p>It is recommended that this application be REFUSED for the reasons set out in section C of the report by the Chief Planning Officer..</p>

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
4.14 - 2 Forrest Hill, Edinburgh, EH1 2QL	Change of use (retrospective) from flat to short-term let (Sui Generis) - application no. 22/04263/FUL	To GRANT planning permission.
4.15 - 2F1 1 Frederick Street, Edinburgh, EH2 2EY	Change of use (retrospective) from residential to short term let (Sui Generis) - application no. 22/01698/FUL	To GRANT planning permission.
4.16 - 2F2 1 Frederick Street, Edinburgh, EH2 2EY	Change of use (retrospective) from residential to short term let (Sui Generis) - application no. 22/01700/FUL	To GRANT planning permission.
4.17 - 2F3 1 Frederick Street, Edinburgh, EH2 2EY	Change of use (retrospective) from residential to short term let (Sui Generis) - application no. 22/01701/FUL	To GRANT planning permission.
4.18 - 3F1 1 Frederick Street, Edinburgh, EH2 2EY	Change of use (retrospective) from residential to short term let (Sui Generis) - application no. 22/01702/FUL	To GRANT planning permission.
4.19 - 3F2 1 Frederick Street, Edinburgh, EH2 2EY	Change of use (retrospective) from residential to short term let (Sui Generis) - application no. 22/01703/FUL	To GRANT planning permission.

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
4.20 - 3F3 1 Frederick Street, Edinburgh, EH2 2EY	Change of use (retrospective) from residential to short term let (Sui Generis) - application no. 22/01704/FUL	To GRANT planning permission.
4.21 - 30 Grove Street, Edinburgh, EH3 8AZ	Change of Use (retrospective) from house (residential) to short-term let visitor accommodation (sui generis) - application no. 22/03243/FUL	To GRANT planning permission.
4.22 - Flat 1 129 High Street, Edinburgh, EH1 1SG	Change of use from residential to short term let (Sui Generis) - application no. 22/01695/FUL	To GRANT planning permission subject to the conditions and reasons as set out in section C of the report by the Chief Planning Officer.
4.23 - Flat 2 129 High Street, Edinburgh, EH1 1SG	Change of use (retrospective) from residential to short term let (Sui Generis) - application no. 22/01697/FUL	To GRANT planning permission subject to the conditions and reasons as set out in section C of the report by the Chief Planning Officer.
4.24 - Flat 3 129 High Street, Edinburgh, EH1 1SG	Change of Use (retrospective) from residential to short-term let (Sui Generis) - application no. 22/01682/FUL	To GRANT planning permission subject to the conditions and reasons as set out in section C of the report by the Chief Planning Officer.
4.25 - Flat 4 129 High Street, Edinburgh, EH1 1SG	Change of Use (retrospective) from residential to short-term let (Sui Generis) - application no. 22/01685/FUL	To GRANT planning permission subject to the conditions and reasons as set out in section C of the report by the Chief Planning Officer.

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
4.26 - Flat 5 129 High Street, Edinburgh, EH1 1SG	Change of Use (retrospective) from residential to short-term let (Sui Generis) - application no. 22/01689/FUL	To GRANT planning permission subject to the conditions and reasons as set out in section C of the report by the Chief Planning Officer.
4.27 - Flat 6 129 High Street, Edinburgh, EH1 1SG	Change of Use (retrospective) from residential to short-term let (Sui Generis) - application no. 22/01690/FUL	To GRANT planning permission subject to the conditions and reasons as set out in section C of the report by the Chief Planning Officer.
4.28 - Flat 7 129 High Street, Edinburgh, EH1 1SG	Change of use (retrospective) from residential to short term let (Sui Generis) - application no. 22/01693/FUL	To GRANT planning permission subject to the conditions and reasons as set out in section C of the report by the Chief Planning Officer.
4.29 - Flat 8 129 High Street, Edinburgh, EH1 1SG	Change of use (retrospective) from residential to short term let (Sui Generis) - application no. 22/01692/FUL	To GRANT planning permission subject to the conditions and reasons as set out in section C of the report by the Chief Planning Officer.
4.30 - Flat 9 129 High Street, Edinburgh, EH1 1SG	Change of use (retrospective) from residential to short term let (Sui Generis) - application no. 22/01696/FUL	To GRANT planning permission subject to the conditions and reasons as set out in section C of the report by the Chief Planning Officer.
4.31 - Flat 10 129 High Street, Edinburgh, EH1 1SG -	Change of Use from residential to short term let (sui-generis) (in retrospect) - application no. 22/01801/FUL	To GRANT planning permission subject to the conditions and reasons as set out in section C of the report by the Chief Planning Officer.

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
<p>4.32 - Flat 11 129 High Street, Edinburgh, EH1 1SG</p>	<p>Change of Use from residential to short term let (sui-generis) (in retrospect) - application no. 22/01802/FUL</p>	<p>To GRANT planning permission subject to the conditions and reasons as set out in section C of the report by the Chief Planning Officer.</p>
<p>4.33 - Flat 12 129 High Street, Edinburgh, EH1 1SG</p>	<p>Retrospective change of use from residential to Short Term Let (sui-generis) - application no. 22/04537/FUL</p>	<p>To GRANT planning permission subject to the conditions and reasons as set out in section C of the report by the Chief Planning Officer.</p>
<p>4.34 - Flat 13 129 High Street, Edinburgh, EH1 1SG</p>	<p>Retrospective change of use from residential to Short Term Let (sui-generis) - application no. 22/04538/FUL</p>	<p>To GRANT planning permission subject to the conditions and reasons as set out in section C of the report by the Chief Planning Officer.</p>
<p>4.35 - Flat 1, 5 Hill Street, Edinburgh</p>	<p>Change of use (retrospective) from residential to short term let (sui-generis) - application no. 22/01729/FUL</p>	<p>To GRANT planning permission.</p>
<p>4.36 - Flat 2, 5 Hill Street, Edinburgh</p>	<p>Change of use (retrospective) from residential to short term let (sui-generis) - application no. 22/01736/FUL</p>	<p>To GRANT planning permission.</p>
<p>4.37 - Flat 3, 5 Hill Street, Edinburgh</p>	<p>Change of use (retrospective) from residential to short term let (sui-generis) - application no. 22/01737/FUL</p>	<p>To GRANT planning permission.</p>

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
4.38 - Flat 4, 5 Hill Street, Edinburgh	Change of use (retrospective) from residential to short term let (sui-generis) - application no. 22/01738/FUL	To GRANT planning permission.
4.39 - Flat 5, 5 Hill Street, Edinburgh	Change of use (retrospective) from residential to short term let (sui-generis) - application no. 22/01739/FUL	To GRANT planning permission.
4.40 - Flat 6, 5 Hill Street, Edinburgh	Change of use (retrospective) from residential to short term let (sui-generis) - application no. 22/01740/FUL	To GRANT planning permission.
4.41 - Flat 7, 5 Hill Street, Edinburgh	Change of use (retrospective) from residential to short term let (sui-generis) - application no. 22/01741/FUL	To GRANT planning permission.
4.42 - Flat 8, 5 Hill Street, Edinburgh	Change of use (retrospective) from residential to short term let (sui-generis) - application no. 22/01742/FUL	To GRANT planning permission.
4.43 - 5 Melville Street Lane, Edinburgh, EH3 7QB	Retrospective change of use from residential mews to short-term let apartment (Sui Generis) - application no. 22/01939/FUL	To GRANT planning permission.

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
4.44 - 17 South Charlotte Street, Edinburgh, EH2 4AS	Change of use (retrospective) from flat to short-term let apartment (Sui Generis) - application no. 22/02650/FUL	To GRANT planning permission.
4.45 - 50/2 Thistle Street, Edinburgh	Retrospective COU from residential to short-term let visitor accommodation (sui generis) - application no. 22/02135/FUL	To GRANT planning permission.
4.46 - 50/3 Thistle Street, Edinburgh	Retrospective COU from residential to short-term let visitor accommodation (sui generis) - application no. 22/02134/FUL	To GRANT planning permission.
4.47 - Flat 1 23 Thistle Street South West Lane, Edinburgh	Proposal: Change of use (retrospective) from residential to short term let (sui-generis) - application no. 22/01780/FUL	To GRANT planning permission.
4.48 - Flat 2, 23 Thistle Street South West Lane, Edinburgh	Proposal: Change of use (retrospective) from residential to short term let (sui-generis) - application no. 22/01781/FUL	To GRANT planning permission.
4.49 - Flat 3, 23 Thistle Street South West Lane, Edinburgh	Proposal: Change of use (retrospective) from residential to short term let (sui generis) - application no. 22/01804/FUL	To GRANT planning permission.

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
<p>4.50 - Flat 4, 23 Thistle Street South West Lane, Edinburgh</p>	<p>Proposal: Change of use (retrospective) from residential to short term let (sui-generis) - application no. 22/01785/FUL</p>	<p>To GRANT planning permission.</p>
<p>4.51 - Flat 5, 23 Thistle Street South West Lane, Edinburgh</p>	<p>Proposal: Change of use (retrospective) from residential to short term let (sui-generis) - application no. 22/01794/FUL</p>	<p>To GRANT planning permission.</p>
<p>4.52 - Flat 6, 23 Thistle Street South West Lane, Edinburgh</p>	<p>Proposal: Change of use from residential to short term let (sui-generis) (in retrospect) - application no. 22/01798/FUL</p>	<p>To GRANT planning permission.</p>
<p>4.53 - Flat 7 23 Thistle Street South West Lane, Edinburgh</p>	<p>Proposal: Change of use (retrospective) from residential to short term let (Sui Generis) - application no. 22/01675/FUL</p>	<p>To GRANT planning permission.</p>
<p>4.54 - Flat 8 23 Thistle Street South West Lane, Edinburgh, EH2 1EW</p>	<p>Proposal: Change of use (retrospective) from residential to short term let (Sui Generis) - application no. 22/01679/FUL</p>	<p>To GRANT planning permission.</p>
<p>4.55 - Flat 9 23 Thistle Street South West Lane, Edinburgh, EH2 1EW</p>	<p>Proposal: Change of use (retrospective) from residential to short term let (Sui Generis) - application no. 22/01683/FUL</p>	<p>To GRANT planning permission.</p>

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
<p>4.56 - Flat 10 23 Thistle Street South West Lane, Edinburgh, EH2 1EW</p> <p>-</p>	<p>Proposal: Change of Use (retrospective) from residential to short-term let (Sui Generis) - application no. 22/01688/FUL</p>	<p>To GRANT planning permission.</p>
<p>4.57 - Flat 11 23 Thistle Street South West Lane, Edinburgh, EH2 1EW</p> <p>-</p>	<p>Proposal: Change of Use (retrospective) from residential to short-term let (Sui Generis) - application no. 22/01691/FUL</p>	<p>To GRANT planning permission.</p>
<p>4.58 - Flat 1 8 Torphichen Street, Edinburgh, EH3 8JQ</p>	<p>Proposal: Change of use (retrospective) from residential to short term let (sui-generis) - application no. 22/01784/FUL</p>	<p>To GRANT planning permission.</p>
<p>4.59 - Flat 2, 8 Torphichen Street, Edinburgh</p>	<p>Proposal: Change of use from residential to short term let (sui generis) (in retrospect) - application no. 22/01789/FUL</p>	<p>To GRANT planning permission.</p>
<p>4.60 - Flat 3, 8 Torphichen Street, Edinburgh</p>	<p>Proposal: Change of Use from residential to short term let (sui-generis) (in retrospect) - application no. 22/01790/FUL</p>	<p>To GRANT planning permission.</p>
<p>4.61 - Flat 4 8 Torphichen Street, Edinburgh, EH3 8JQ</p>	<p>Proposal: Change of use (retrospective) from residential to short term let (Sui-Generis) - application no. 22/01791/FUL</p>	<p>To GRANT planning permission.</p>

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
<p>4.62 - Flat 5 8 Torphichen Street, Edinburgh, EH3 8JQ</p>	<p>Proposal: Change of use (retrospective) from residential to short term let (sui-generis) - application no. 22/01796/FUL</p>	<p>To GRANT planning permission.</p>
<p>4.63 - Flat 6 8 Torphichen Street, Edinburgh</p>	<p>Proposal: Change of use (retrospective) from residential to short term let (sui-generis) - application no. 22/01792/FUL</p>	<p>To GRANT planning permission.</p>
<p>4.64 - Flat 7 8 Torphichen Street, Edinburgh, EH3 8JQ</p>	<p>Proposal: Change of use (retrospective) from residential to short term let (sui-generis) - application no. 22/01797/FUL</p>	<p>To GRANT planning permission.</p>
<p>4.65 - Flat 8, 8 Torphichen Street, Edinburgh</p>	<p>Proposal: Change of use (retrospective) from residential to short term let (sui-generis) - application no. 22/01793/FUL</p>	<p>To GRANT planning permission.</p>
<p>4.66 - Flat 9, 8 Torphichen Street, Edinburgh</p>	<p>Proposal: Change of use (retrospective) from residential to short term let (sui-generis) - application no. 22/01795/FUL</p>	<p>To GRANT planning permission.</p>
<p>4.67 - Flat 10, 8 Torphichen Street, Edinburgh</p>	<p>Proposal: Change of use (retrospective) from residential to short term let (sui-generis) - application no. 22/01786/FUL</p>	<p>To GRANT planning permission.</p>

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
<p>4.68 - Flat 11 8 Torphichen Street, Edinburgh, EH3 8JQ</p>	<p>Proposal: Change of use (retrospective) from residential to short term let (sui generis) - application no. 22/01787/FUL</p>	<p>To GRANT planning permission.</p>
<p>4.69 - Flat 12 8 Torphichen Street, Edinburgh, EH3 8JQ</p>	<p>Proposal: Change of use from residential to short term let (sui-generis) (in retrospect) - application no. 22/01788/FUL</p>	<p>To GRANT planning permission.</p>
<p>4.70 - Flat 1, 9 South St Andrew Street, Edinburgh</p>	<p>Proposal: Change of Use (retrospective) from residential to short-term let (sui generis) - application no. 22/01752/FUL</p>	<p>To GRANT planning permission.</p>
<p>4.71 - Flat 2, 9 South St Andrew Street, Edinburgh</p>	<p>Proposal: Change of use (retrospective) from residential to short term let (sui-generis) - application no. 22/01754/FUL</p>	<p>To GRANT planning permission.</p>
<p>4.72 - Flat 3, 9 South St Andrew Street, Edinburgh</p>	<p>Proposal: Change of Use (retrospective) from residential to short-term let (sui generis) - application no. 22/01755/FUL</p>	<p>To GRANT planning permission.</p>
<p>4.73 - Flat 4, 9 South St Andrew Street, Edinburgh</p>	<p>Proposal: Change of Use (retrospective) from residential to short-term let (sui-generis) - application no. 22/01756/FUL</p>	<p>To GRANT planning permission.</p>

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
4.74 - Flat 5, 9 South St Andrew Street, Edinburgh	Proposal: Change of Use (retrospective) from residential to short-term let (sui-generis) - application no. 22/01757/FUL	To GRANT planning permission.
4.75 - Flat 6, 9 South St Andrew Street, Edinburgh	Proposal: Change of use from residential to short-term let (sui-generis) (in retrospect) - application no. 22/01758/FUL	To GRANT planning permission.
4.76 - Flat 7, 9 South St Andrew Street, Edinburgh	Proposal: Change of Use from residential to short term let (sui-generis) (in retrospect) - application no. 22/01759/FUL	To GRANT planning permission.
4.77 - Flat 8 9 South St Andrew Street, Edinburgh, EH2 2AU	Proposal: Change of use (retrospective) from residential to short term let (sui-generis) - application no. 22/01760/FUL	To GRANT planning permission.
4.78 - Flat 9 9 South St Andrew Street, Edinburgh, EH2 2AU	Proposal: Change of use (retrospective) from residential to short term let (sui-generis) - application no. 22/01762/FUL	To GRANT planning permission.
4.79 - Flat 10 9 South St Andrew Street, Edinburgh, EH2 2AU	Proposal: Change of use (retrospective) from residential to short term let (sui-generis) - application no. 22/05039/FULSTL	To GRANT planning permission.

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
<p>4.80 - Flat 11 9 South St Andrew Street, Edinburgh, EH2 2AU</p>	<p>Proposal: Change of use (retrospective) from residential to short term let (sui-generis) - application no. 22/01753/FUL</p>	<p>To GRANT planning permission.</p>
<p>4.81 - 24A York Place, Edinburgh, EH1 3EP</p>	<p>Change of use (retrospective) from flat to short-term let apartment (Sui Generis) - application no. 22/02533/FUL</p>	<p>To GRANT planning permission.</p>
<p>4.82 - Flat 1, 24 York Place, Edinburgh</p>	<p>Change of use from residential (retrospective) to short term let (sui generis) - application number – 22/01730/FUL</p>	<p>To GRANT planning permission.</p>
<p>4.83 - Flat 2, 24 York Place, Edinburgh, EH1 3EP</p>	<p>Change of use from residential (retrospective) to short term let (sui generis) - application number – 22/01731/FUL</p>	<p>To GRANT planning permission.</p>
<p>4.84 - Flat 3, 24 York Place, Edinburgh</p>	<p>Change of use from residential (retrospective) to short term let (sui generis) - application number – 22/01734/FUL</p>	<p>To GRANT planning permission.</p>
<p>4.85 - Flat 4, 24 York Place, Edinburgh</p>	<p>Change of use from residential (retrospective) to short term let (sui generis) - application number – 22/01735/FUL</p>	<p>To GRANT planning permission.</p>

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
<p>4.86 - 24 Young Street North Lane, Edinburgh, EH2 4JD</p>	<p>Change of Use (retrospective) from flat to short-term let (sui generis) - application no. 22/02316/FUL</p>	<p>To GRANT planning permission.</p>
<p>7.1 – 6, New Market Road, Edinburgh (Site 117 Metres Southwest Of)</p>	<p>Mixed-use development including built-to-rent homes and student accommodation with ancillary development including commercial use (Class 1, 2, 3, 4, 10, and 11), demolitions, public realm, landscaping and access - application no. 22/00670/FUL</p>	<p>To GRANT planning permission subject to:</p> <ol style="list-style-type: none"> 1) The conditions, reasons, informatives and a legal agreement as set out in section C of the report by the Chief Planning Officer. 2) An additional condition that the lift should be enclosed and that the Planning Authority should be satisfied with the design of the lift. 3) An additional informative regarding the maintenance of the lift. <p>Application required to be referred to Scottish Ministers following a direction issued on 6 December 2022</p> <p>(On a division.)</p>

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
<p>7.2 - 6, New Market Road, Edinburgh (Site 117 Metres southwest of)</p>	<p>Part demolition and alterations of listed buildings in association with proposed mixed-use development - application no. 22/00671/LBC</p>	<p>To GRANT listed building consent subject to the conditions, reasons and informatives as set out in section C of the report by the Chief Planning Officer.</p> <p>Application required to be referred to Scottish Ministers following a direction issued on 6 December 2022</p> <p>(On a division.)</p>
<p>7.3 - New Parliament House, 5 - 7 Regent Road, Edinburgh</p>	<p>Form new premises for St Mary's Music School including revised layout arrangements, new opening within the West Pavilion and proposed glazed floor light to the external portico (as amended) - application no. 22/02449/FUL</p>	<p>To GRANT planning permission subject to:</p> <ol style="list-style-type: none"> 1) The conditions, reasons and informatives as set out in section C of the report by the Chief Planning Officer. 2) An additional informative that there would be a marked cycle route in the car park to ensure cycle access.
<p>7.4 - New Parliament House, 5 - 7 Regent Road, Edinburgh</p>	<p>Form new premises for St Mary's Music School including demolition of later ancillary buildings, new residential, teaching and practice facilities, new landscaped public garden, new basement created under Main Hall to provide foyer and associated ancillary works (as amended) - application no. 22/02450/LBC</p>	<p>To GRANT listed building consent subject to the conditions, reasons and informatives as set out in section C of the report by the Chief Planning Officer.</p>

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
<p>7.5 - Proposed Festival Event Space at St James Square, Edinburgh</p>	<p>Erection of temporary structures and enclosures, including bar, and other associated works to facilitate use of St James Square as an external events space. Permission sought for one year (2022/23) - application no. 22/04715/FUL</p>	<p>To REFUSE planning permission as the proposals were contrary to Edinburgh Local Development Plan Policies Des 5, Ret 7 and Ret 11. (On a division.)</p>

Development Management Sub Committee

Wednesday 11 January 2023

Report for forthcoming application by

City Of Edinburgh Council. for Proposal of Application Notice

22/05563/PAN

at Land 445 Metres North Of, 103 Newcraighall Road, Edinburgh

Proposal is for a replacement School for Newcraighall Primary School (3-stream, 630 pupils) - a new Passivhaus, ultra-low energy school, with an adjoining Nursery (128 children). All accommodation will be within the one, two-storey building and exceed a total gross external floor area (GEFA) of 5,000sqm. The development also includes landscaped school grounds and sports pitch. The school is situated in the centre of the wider new Brunstane Masterplan development (reference 16/04122/PPP).

Item number

Report number

Wards

B17 - Portobello/Craigmillar

Summary

The purpose of this report is to inform the Development Management Sub-Committee of a forthcoming application for planning permission for the replacement school including nursery, landscaped grounds and sports pitch, at a 2-hectare site at Land 445 Metres North of 103 Newcraighall Road, Edinburgh.

In accordance with the provisions of the Town and Country Planning (Scotland) Act 1997, as amended, the applicants submitted a Proposal of Application Notice 22/05019/PAN on 8th November 2022.

Links

Coalition pledges
Council outcomes

Single Outcome
Agreement

Recommendations

1.1 It is recommended that the Committee notes the key issues at this stage and advises of any other issues.

Background

2.1 Site description

Site Description

The 2-hectare site is next to the East Coast Main Line, within the greenfield agricultural site of 55 hectares in the Brunstane area of East Edinburgh. The southern half of the site is generally flat. The northern half slopes down to the Brunstane Burn which is near the northern end of the site. The site is accessed via an existing field track access from Gilberstoun near Brunstane House. The site is within the LDP allocated housing site HSG 29 which includes residential development with a local centre and primary school.

2.2 Site History

20 November 2020 Planning permission in principle was granted for proposed residential development (including class 8 residential institutions, class 9 houses and sui generis flats) primary school (class 10 non-residential institutions) local centre (including class 1 retail, class 2 financial services, class 3 food and drink, class 10 non-residential institutions and class 11 assembly and leisure), green network, access and transport links, infrastructure and associated ancillary works (as amended) at Land 445 Metres North Of 103 Newcraighall Road Edinburgh.

This included a Strategic Masterplan, Landscape Framework, Movement Framework and Masterplan Design Report/Design Code (application number 16/04122/PPP).

Within the Masterplan area

4 August 2022 Planning application submitted for Approval of matters specified in conditions 1 in part 2 in part, 5, 6, 7, 8, 9, (in part), 10, 11 and 13 in part of planning permission 16/04122/PPP for access, landscaping and infrastructure works associated with residential-led mixed use development (application number 22/083945/AMC), at Land 445 Metres North Of 103 Newcraighall Road Edinburgh. Pending Consideration.

4 August 2022 Planning application submitted for Approval of matters specified in conditions 1 (in part), 2, 5, 6, 7, 8, 9 (in part) 10, 11, 13, 14 and 15 of planning permission 16/04122/PPP for the erection of 676 dwellings including affordable housing, local centre comprising class 1, 2, 3, 4, 10 and 11 and associated access, landscaping, open space and infrastructure (application number 22/03946/AMC) at Land 445 Metres North Of 103 Newcraighall Road Edinburgh. Pending Consideration.

Main report

3.1 Description of the Proposal

The proposal is for a replacement School for Newcraighall Primary School (3-stream, 630 pupils) - a new Passivhaus, ultra-low energy school, with an adjoining Nursery (128 children). The proposed building will be one, two-storey building and exceed a total gross external floor area (GEFA) of 5,000sqm. The proposed development also includes landscaped school grounds and sports pitch.

The school is situated adjacent to the local centre, in the centre of the wider New Brunstane Masterplan (application reference 16/04122/PPP), which was granted planning permission on 20th November 2020.

3.2 Key Issues

The key considerations against which the eventual application will be assessed include whether:

(a) The principle of the development is acceptable in this location

The proposal is located within an allocated housing site HSG29 Brunstane within the Local Development Plan (2016). The site lies within the urban area and is no longer in the green belt. The allocated site HSG29 included a location of 2 hectares for a proposed school within the LDP Brunstane Site Brief and Development Principles.

(b) The proposals comply with the Planning Permission in Principle and the approved masterplan

The proposals would be assessed against the LDP Brunstane Site Brief and Development Principles and the Planning permission in principle Strategic Masterplan, Landscape Framework, Movement Framework and Masterplan report and Design Code.

(c) The scale, design, layout and materials are sustainable and acceptable within the character of the area

The proposals would be assessed against the relevant design policies in the Local Development Plan, the planning permission in principle Masterplan Report and Design Code, and the non-statutory Edinburgh Planning Guidance (where applicable). The applicant should clearly demonstrate how the proposed design has considered the Council's policies and guidance.

(d) The proposals will have a detrimental impact on the amenity of neighbours and future occupiers of the development

The proposal will be assessed against relevant design policies in the Edinburgh Local Development Plan and Edinburgh Design Guidance. Supporting information is required to show the site's relationship to the various surrounding land uses to ensure that neighbouring amenity is adequately protected, and a good level of amenity can be achieved for future occupants of the site.

(e) The proposed access arrangements, connectivity and parking levels are Acceptable

The proposal shall have regards to the LDP transport policies and the Edinburgh Street Design Guidance. The applicant will be required to provide transport information to demonstrate how the proposal prioritises active travel and is aligned with the parking standards, including service arrangements, cycle parking and provision for electric vehicles.

(f) There are any other environmental factors that require consideration

The applicant will be required to submit sufficient information to demonstrate that the site can be developed without having a detrimental impact on the environment. In order to support the application, the following documents will be required:

- Pre-application Consultation Report.
- Planning Statement.
- Design and Access Statement.
- Townscape and Visual Impact Assessment.
- Daylight, Privacy and Overshadowing Analysis.
- Noise Impact Assessment.
- Air Quality Assessment.
- Sustainability Form S1.
- Sustainability Statement

- Transport Statement.
- Waste Management information.
- Flood Risk Assessment and drainage information.
- Surface Water Management Plan; and
- Ecological Survey.

The proposal will need to be screened under the terms of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017, to determine whether an Environmental Impact Assessment is required.

3.3 Assessment

This report highlights the main issues that are likely to arise in relation to the various key considerations. This list is not exhaustive and further matters may arise when the new application is received, and consultees and the public have the opportunity to comment.

Financial impact

4.1 The forthcoming application may be subject to a legal agreement.

Risk, Policy, compliance and governance impact

5.1 Provided planning applications are determined in accordance with statutory legislation, the level of risk is low.

Equalities impact

6.1 This is a pre-application report. When a planning application is submitted it will be assessed in terms of equalities and human rights.

Sustainability impact

7.1 A sustainability statement will need to be submitted with the application.

Consultation and engagement

8.1 Pre-Application Process

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

The Proposal of Application Notice (reference: 22/05563/PAN) outlined the following pre-application consultation:

- Leaflet drop in the local area.
- Publication in the Edinburgh Evening News for the first event during the week of 5th December and for the second event during the dated 21st October 2022.

- two consultation events at Newcraighall Primary School - the first on Monday 19th December at 3pm and the second on Monday 16th January at 7pm; and
- the drawings were hosted online.

The applicant notes in the PAN application that Portobello and Craigmillar Community Councils received notification of the PAN on 28th October 2022.

The applicant further advises that the following councillors were notified of the PAN on 28th October 2022:

Councillor Kate Campbell, Councillor Tim Jones, and Councillor Jane Meagher.

Details were also sent to the local constituency MSPs and MPs.

The results of the community consultation will be submitted with the application as part of the Pre-application Consultation Report.

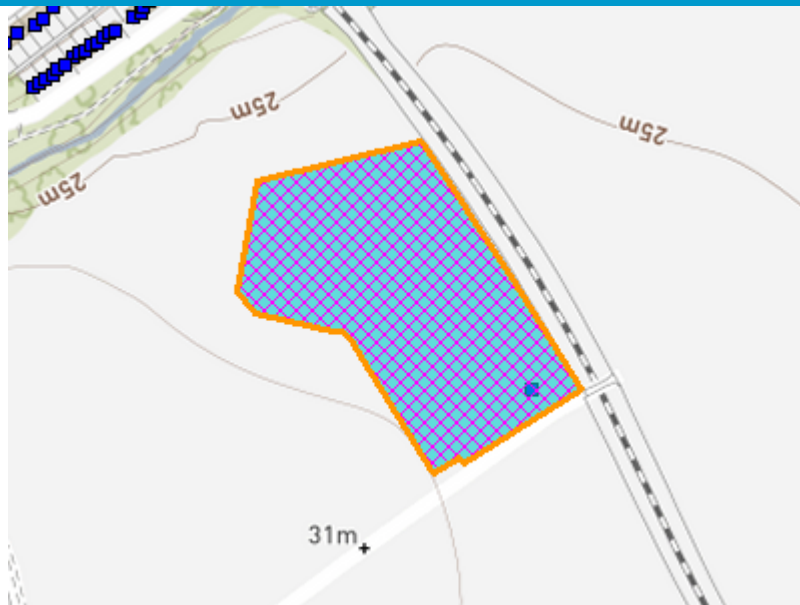
Background reading/external references

- To view details of the proposal of Application Notice go to
- [Planning and Building Standards online services](#)
- [Planning guidelines](#)
- [Conservation Area Character Appraisals](#)
- [Edinburgh Local Development Plan](#)

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Catriona Reece-Heal, Senior Planning Officer
E-mail: catriona.reece-heal@edinburgh.gov.uk Tel:0131 529 6123

Location Plan



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Development Management Sub Committee

Wednesday 11 January 2023

Report for forthcoming application by

S Harrison Developments Ltd. for Proposal of Application Notice

22/05811/PAN

**at Land 58 Metres South Of, 94 Ocean Drive, Edinburgh.
Erection of mixed-use development potentially comprising residential, hotel, purpose-built student accommodation, along with commercial uses /co-working and amenity space, landscaping and infrastructure.**

Item number

Report number

Wards

B13 - Leith

Summary

The purpose of this report is to inform the Development Management Sub-Committee of a forthcoming full planning application for a mixed-use development potentially comprising residential, hotel, purpose-built student accommodation, along with commercial uses /co-working and amenity space, landscaping and infrastructure at land 58 metres southeast of 94 Ocean Drive, Edinburgh.

In accordance with the provisions of the Town and Country Planning (Scotland) Act 1997, as amended, the applicants submitted a Proposal of Application Notice 22/05811/PAN on 17 November 2022.

Links

Coalition pledges

Council outcomes

Single Outcome Agreement

Recommendations

- 1.1** It is recommended that the Committee notes the key issues at this stage and advises of any other issues.

Background

2.1 Site description

The site, covering 0.6 hectares, is located between Ocean Drive and the Albert Dock Basin. It is currently vacant land. To the west is the office block known as Ocean Point and to the east is the development site referred to as Skyliner which has planning permission for four residential high-rise blocks.

Further west of the site is Ocean Terminal and to the south is a residential development that is currently under construction. North of the site is the wider Leith Docks industrial area; this also contains the Imperial Dock Special Protection Area (SPA) which contains a tern colony.

The tram line is currently under construction along Ocean Drive. The Local Development Plan contains a safeguard along the water's edge for the creation of a promenade.

2.2 Site History

31 October 2001 - Planning permission was granted for the erection of two office buildings of 9 and 11 storeys respectively, with a combined floor area of 25,000sqm. The 9-storey building (Ocean Point) has been implemented (application number 01/01030/FUL).

Adjacent Sites:

14 August 2018 - to the south of the site, planning permission granted for the 388 residential units and 29 commercial units proposed to be either Class 1, 2 or 4 + two corner cafes on the Waterfront Plaza (Cala site) (application number 16/03684/FUL). Under construction.

3 November 2020 - Skyliner site to the east, planning permission granted for residential development of 338 flats over 4 apartment buildings with heights of 10 storeys (Building A), 14 storeys (Building B), 12 storeys (Building C) and 10 storeys (Building D) with two commercial units (Class 1,2,3 and 4), car parking and associated landscaping (application number 19/02778/FUL).

Main report

3.1 Description of the Proposal

The forthcoming application will be a full planning application for the erection of a mixed-use development potentially comprising residential, hotel, purpose-built student accommodation, along with commercial uses /co-working and amenity space, landscaping and infrastructure.

3.2 Key Issues

The key considerations against which the eventual application will be assessed include whether:

a) The principle of the development is acceptable in this location having regard to the development plan;

The site is located within the Central Leith Waterfront area (Proposal reference EW1b) as identified in the adopted Edinburgh Local Development Plan (LDP). The LDP sets out a number of development principles for the area and the site is shown as commercial-led mixed use in the associated diagram.

As the site forms part of the wider waterfront area, LDP Policy Del 3 (Edinburgh Waterfront) will be of relevance to the assessment of the site. This policy supports development proposals that will contribute to the creation of new urban quarters at Leith Waterfront. Commercial and housing-led mixed use development is generally supported. This includes proposals that maximise the development potential of the area and contain a mix of house types, sizes and affordability.

LDP Policy Hou 1 (Housing Development) supports housing development at suitable sites within the Urban Area, subject to other LDP policies. Proposals for residential development would be expected to address the principles of LDP Policy Hou 2 (Housing Mix), which requires an appropriate mix of residential units to meet the needs of the range of household types in the area, with regard to other considerations. Proposals would also be expected to demonstrate compliance with LDP Policy Hou 6 (Affordable Housing).

LDP Policy Hou 8 (Student Housing) supports purpose built student accommodation where the location is appropriate in terms of access to university and college facilities and provided that the proposal will not result in an excessive concentration of student accommodation.

LDP Policy Emp 10 (Hotel Development) supports hotels in locations within the urban area with good public transport access to the city centre.

b) Design, Scale and Layout;

Design development will need to take cognisance of relevant LDP design and environment policies and the Edinburgh Design Guidance. Detailed information will be required in relation to the height, materials and form of the proposed units. The design approach must be based on a thorough understanding of the surrounding context. The proposal should not adversely impact on key local views and wider city views as identified in Edinburgh Design Guidance.

An assessment of the amenity of future occupiers, as required by LDP Policy Des 5 (Development Design - Amenity) will also be required. This will include the requirement for greenspace provision, in accordance with LDP Policy Hou 3 (Private Green Space in Housing Development).

c) Access and transport;

The proposal shall have regard to LDP transport policies and Edinburgh Design Guidance including the Edinburgh Street Design Guidance and relevant factsheets. The applicant will be required to provide transport information to demonstrate how the proposal prioritises active travel and is aligned with parking standards, including service arrangements and cycle parking provision.

The LDP Proposals Map contains the tram route safeguard along Ocean Drive adjacent to the site and also the safeguarded route for the Waterfront Promenade. Both these matters should be factored into the forthcoming application.

d) The proposal has acceptable impacts on infrastructure;

The application will be required to consider impacts on infrastructures in accordance with LDP Policy Del 1 - Developer Contributions and Infrastructure Delivery.

e) There are any other environmental factors that require consideration;

The applicant will be required to submit sufficient information to demonstrate that the site can be developed without having an unacceptable detrimental impact on the environment. The proposal will need to be screened for an Environmental Impact Assessment.

In order to support the application, the following documents are anticipated:

- Pre-Application Consultation Report;
- Design and Access Statement;
- Planning Statement;
- Affordable Housing Statement;
- Visual Impact Assessment;
- Flood Risk Assessment and Surface Water Management Plan;
- Daylight and Sunlight Assessment;
- Sustainability Statement and Sustainability Form;
- Transportation information;

- Ecology Report;
- Noise Impact Assessment and
- Air Quality information.

The above is not an exhaustive list and other supporting details or assessments may be identified prior to the application being submitted or during the application assessment stage.

3.3 Assessment

This report highlights the main issues that are likely to arise in relation to the various key considerations. This list is not exhaustive and further matters may arise when the new application is received, and consultees and the public have the opportunity to comment.

Financial impact

4.1 The forthcoming application may be subject to a legal agreement.

Risk, Policy, compliance and governance impact

5.1 Provided planning applications are determined in accordance with statutory legislation, the level of risk is low.

Equalities impact

6.1 This is a pre-application report. When a planning application is submitted it will be assessed in terms of equalities and human rights.

Sustainability impact

7.1 A sustainability statement will need to be submitted with the application.

Consultation and engagement

8.1 Pre-Application Process

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

Following receipt of the proposal of application notice (PAN) the applicant has given details of two public exhibitions one on Tuesday 13 December 2022 and one on Thursday 9 February 2023 at Ocean Terminal between 2pm and 7pm.

The Proposal of Application Notice was sent to Local Leith Ward Councillors, Councillor Hal Osler, Councillor Day, Ben Macpherson MSP, Deidre Brock MP, Leith Harbour and Newhaven Community Council, the Cockburn Association, Leith Trust, Leith Chamber of Commerce and The Cockburn Association.

The results of this consultation will be submitted with the future planning application as a Pre-application Consultation (PAC) Report.

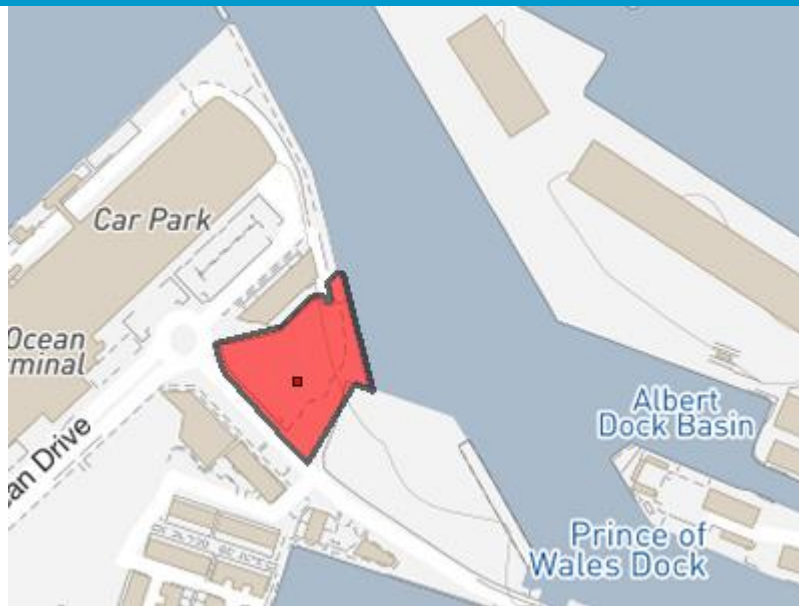
Background reading/external references

- To view details of the proposal of Application Notice go to
- [Planning and Building Standards online services](#)
- [Planning guidelines](#)
- [Conservation Area Character Appraisals](#)
- [Edinburgh Local Development Plan](#)

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Kenneth Bowes, Senior Planning officer
E-mail:kenneth.bowes@edinburgh.gov.uk Tel:0131 529 6724

Location Plan



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END

Development Management Sub-Committee Report

Wednesday 11 January 2023

**Application for Planning Permission
8 & 9 Albyn Place, Edinburgh, EH2 4NG**

**Proposal: Change of use from English language school to form 20
No. commercially managed short term let apartments including a rear
extension and internal alterations.**

**Item – Committee Decision
Application Number – 22/01636/FUL
Ward – B11 - City Centre**

Reasons for Referral to Committee

This planning application requires to be considered by Development Management Sub Committee because there are more than six objections, and the recommendation is to grant planning permission. In the public interest and to enable a holistic approach to considering the proposed development, the Listed Building Consent application (22/01637/LBC) will also be considered by Development Management Sub Committee.

Recommendation

It is recommended that this application be **Granted** subject to the details below.

Summary

The proposal is acceptable with regard to Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as it will not harm the listed building, or its setting and it will preserve or enhance the character or appearance of the conservation area.

Overall, the proposal complies with the Development Plan and is acceptable in principle. The proposal will preserve the special architectural and historic interest of the listed building and setting. The character and appearance of the conservation area will be preserved, and the Outstanding Universal Value of the World Heritage Site will not be compromised. There will not be an unreasonable loss to neighbouring residential amenity and there are no transport or parking issues.

There are no equalities or human rights issues, and the proposal complies with the SPP Sustainability Principles. There are no material considerations which raise compelling reasons why the application should be refused. Therefore, the application should be granted.

There are no material considerations that outweigh this conclusion. The proposal is acceptable, and approval is recommended.

SECTION A – Application Background

Site Description

The application site is on the south side of Albyn Place between Wemyss Place and Forres Street. It is two interconnected town houses of three storeys plus a basement and attic level in a stone terrace. Cupolas, dormers and rooflights exist in the roof planes. The rear ground is wholly tarmacked and used as a parking area accessed from Wemyss Place Mews.

Numbers 8 and 9 Albyn Place are category A listed buildings (ref: LB28234; date of listing 14 December 1970). The listing includes all the numbers in the terraced block i.e., 1-11 Albyn Place, including the railings with 2-4 (inclusive numbers) Wemyss Place Mews. The special interest of the application buildings is as part of the Edinburgh New Town A Group which is a significant surviving part of one of the most important and best-preserved examples of urban planning in Britain.

As well as the listed terrace, other listed buildings, all category A listed are found in the surrounding streets, such as Forres Street, Wemyss Place, Wemyss Place Mews, Darnaway Street and Moray Place. There are also A listed buildings diagonally opposite the application buildings in North Charlotte Street.

The immediate surrounding area consists of mainly similar stone terraces, a few with commercial use at ground floor level. A mix of uses is found in the surrounding area, such as offices, cafes, shops and predominantly residential. The application buildings are currently in use as a language school.

The application site is in New Town Conservation Area and in the Old and New Towns of Edinburgh World Heritage Site.

Description of the Proposal

The proposal is for a small rear extension, minor alterations to front (principal) elevation and internal alterations. This is to enable the use of the buildings to be changed to form 20 short term let apartments. Most of the proposed work is internal with minor changes externally.

The party walls between numbers 8 and 9 at basement and second floor levels will be refilled in to reinstate the current building back to two separate buildings. The existing entrance door, hall and stairs of each building will be retained.

To the rear of the building, it is proposed to remove a non-original single storey extension to the original outshot and replace it with a modern contemporary extension.

The proposal for number 8 is:

- basement converted into three short term let units; accessed from existing basement doors; one with private garden area to rear.
- ground and first floors: each will form one-bedroom apartments accessed from communal stair, via main front door.
- second and third floors: split to form two units per floor accessed from communal stair via main door.

The proposal for number 9 is:

- basement converted into four short term let units; one unit will have private external space in flagged basement; accessed from existing basement doors; two units will have private garden area to rear of building.
- ground floor: will form a one-bedroom apartment.
- first, second and third floors will be split into two units per floor accessed from communal stair, via main entrance door.

Internally, existing original detailing in principal rooms will be retained and preserved. Where non original later alterations are removed, historic detailing will be preserved or restored. Chimneys and fireplaces will be retained.

Windows will be reinstated and iron bars at basement level will be removed with stone being repaired and reinstated. Rooflights are proposed on the flat areas of the roofs.

Kitchens and bathrooms will be located away from principal elevations. Kitchens on the ground and first floors will be located to the rear of the principal rooms such as in the buffet recess of no. 9 and curved to fit curve of no. 8. On first floor kitchens will be positioned against existing partitions which already split principal rooms. Part of the partition will be receded to enable reinstatement of a central window and panelling of windows.

The proposed replacement rear extension will be single storey and clad with vertical seamed zinc and flat dark single membrane roof. Sliding aluminium framed patio doors will be in the west elevation and a timber deck is proposed. Timber fencing is proposed to enclose the garden area.

Ten car parking spaces will be provided in the rear existing car park.

The proposed changes to the listed building will be considered in the parallel application 22/01637/LBC.

Supporting Information

- Design and conservation statement
- Planning Statement

Relevant Site History

22/01637/LBC
8 & 9 Albyn Place
Edinburgh
EH2 4NG

Rear extension and internal alterations. The accompanying design statement and plans detail the proposed alterations and small extension.

12/00596/FUL
8 Albyn Place
Edinburgh
EH2 4NG

Change of use from offices to a language school.

Granted

26 April 2012

12/00668/LBC
8, 9 Albyn Place
Edinburgh
EH2 4NG

Alterations at lower ground and second floors to form new openings to inter-connect the two buildings and form additional toilet accommodation within number 8

Granted

7 May 2012

Other Relevant Site History

No other relevant site history.

Pre-Application process

There is no pre-application process history.

Consultation Engagement

Historic Environment Scotland

Roads Authority (Transport)

Refer to Appendix 1 for a summary of the consultation response.

Publicity and Public Engagement

Date of Neighbour Notification: 12 April 2022

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): 29 April 2022.

Site Notices Date(s): 26 April 2022.

Number of Contributors: 10

Section B - Assessment

Determining Issues

Due to the proposals relating to a listed building(s) and being within a conservation area, this report will first consider the proposals in terms of Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (the "1997 Heritage Act"):

- a) Is there a strong presumption against granting planning permission due to the proposals:
 - (i) harming the listed building or its setting? or
 - (ii) conflicting with the objective of preserving or enhancing the character or appearance of the conservation area?
- b) If the strong presumption against granting planning permission is engaged, are there any significant public interest advantages of the development which can only be delivered at the scheme's proposed location that are sufficient to outweigh it?

This report will then consider the proposed development under Sections 25 and 37 of the Town and Country Planning (Scotland) Act 1997 (the 1997 Act):

If the proposal is in accordance with the development plan the determination should be to grant planning permission unless material considerations indicate otherwise?

If the proposal is not in accordance with the development plan the determination should be refuse planning permission unless material considerations indicate otherwise?

In the assessment of material considerations this report will consider:

- the Scottish Planning Policy presumption in favour of sustainable development, which is a significant material consideration due to the development plan being over 5 years old.
- equalities and human rights.
- public representations; and
- any other identified material considerations.

Assessment

To address these determining issues, it needs to be considered whether:

a) **The proposals harm the listed building and its setting.**

The following HES guidance is relevant in the determination of this application:

- Managing Change in the Historic Environment: Guidance on the Principles of Listed Building Consent
- Managing Change in the Historic Environment: Use and Adaptation of Listed Buildings

- Managing Change in the Historic Environment: Extensions
- Managing Change in the Historic Environment: Roofs
- Managing Change in the Historic Environment: Windows
- Managing Change in the Historic Environment: Interiors
- Managing Change in the Historic Environment: Setting

Historic Environmental Scotland (HES) has advised that it has no comments to make on the proposals.

The proposed change of use will enable the listed buildings to continue to be used and prevent them from becoming vacant and deteriorating. This is particularly important as the buildings form part of an A listed group of buildings which are significant as an almost intact example of urban planning in Britain

Most of the proposed external changes will be minor and will not detract from the listed buildings, their appearance, setting or setting of neighbouring listed buildings. The proposed extension to an existing rear single storey outshot/extension with a similar sized extension will be a subservient addition. It will result in a small amount of elevation being lost which will not detract from the overall appearance or character of the listed buildings. It will also result in the replacement of a non-original extension. The use of cladding is not appropriate as it would have an adverse impact on the character of the stone building and terrace. Therefore, a condition requiring the external walls to be stone is recommended. Decking is not a traditional or historic feature and a condition seeking a more appropriate hardstanding treatment is recommended. The timber fence so close to the listed building will detract from the setting of the listed buildings and is unacceptable. Therefore, a condition is recommended requiring more sympathetic boundary treatment.

The interiors make a substantial contribution to the special architectural or historic interest of the buildings and are important for understanding their social and cultural heritage. The buildings are currently not in the original residential use and have been altered to make them usable as a language school. Internally, there has been alterations to both buildings including adapting the two buildings to create one building. Non-original features were installed such as partitions, cornicing, doors, and openings in walls. Otherwise, much of the original features, e.g., cornicing and fireplaces have remained intact.

On the whole, much of the original plan form exists and the proposal will make some minor changes to these, e.g., removal and part removal of non-original partitions. This will bring the plan form to reflect the original layout of the original townhouses. Some of the internal fabric will be lost, such as creating new door openings in original walls. However, features will be retained and restored, e.g., fireplaces, cornicing. The proposals will re-establish the buildings as two separate buildings and preserve or restore original features, such as doors.

In terms of kitchens in principal rooms, these are generally not supported. The kitchens have been sensitively located in each of the proposed short term let units with those in the principal rooms being to the rear of the room and free standing i.e., not attached to walls/fabric. Putting back the building into two separate listed buildings is a major benefit of the proposed development. On balance, the installation of kitchens in the principal rooms is acceptable in this context. Changes and restoration as proposed are sympathetic to the category A listed status of the buildings and returning the buildings into two separate buildings is welcomed.

The proposal will enable the listed buildings to remain in use and will not harm the special architectural or historic interest of the buildings and will not detract from their setting or the setting of neighbouring listed buildings.

Conclusion in relation to the listed building

The proposal is acceptable with regard to Section 59 (1) of the Planning (Listed Building and Conservation Areas) (Scotland) Act 1997.

b) The proposals harm the character or appearance of the conservation area.

Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states: "In exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."

The site is in the New Town Conservation Area. The character appraisal states that, the New Town Conservation Area represents a planned urban concept of European significance with an overriding character of Georgian formality. Stone built terrace houses and tenements, built to the highest standards, overlook communal private gardens; to the rear are lanes with mews buildings, many of which are now in housing use. The importance of the area lies in the formal plan layout of buildings, streets, mews, and gardens and in the quality of the buildings themselves.

The following HES guidance is relevant in the determination of this application:

- Managing Change in the Historic Environment: Guidance on Conservation Areas.

Land uses accommodating tourists, such as hotels, apart hotels and short term let apartments are found in New Town Conservation Area. The proposal is to change the use of the buildings from one commercial use to another commercial use. The proposed use will be compatible with the character of the New Town Conservation Area in terms of tourists and businesses. The character of the conservation area will be preserved.

The minor external changes to the elevations will not take away from the appearance of the conservation area. The proposed rear single storey extension will be an improvement on the current non-traditional extension. The prevailing form of original boundary treatment is stone walls around the entire garden area. Timber fences and subdivision of gardens are not original features. It is acknowledged that a secure boundary is required for the rear basement short term let unit and, therefore, defining a small section of rear ground currently laid out in tarmac to facilitate this is acceptable. However, a more appropriate material and design is required including the hardstanding treatment proposed. Therefore, conditions are recommended requiring the elevations to be stone and more appropriate material and design for the enclosure and hardstanding to preserve the conservation area and be a sympathetic addition.

Conclusion in relation to the conservation area

The works are of benefit to the conservation area and are acceptable with regard to Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

c) The proposals comply with the development plan.

The development plan comprises the Strategic and Local Development Plans. The relevant Edinburgh Local Development Plan 2016 (LDP) policies to be considered are:

- LDP Environment policies Env 1, Env 3, Env 4, Env 6 and Env 16
- LDP Design policies Des 12
- LDP Housing policy Hou 7
- LDP Transport policies Tra 2, Tra 3 and Tra 4
- LDP Delivering the Strategy Del 1

The non-statutory 'Listed Buildings and Conservation Area' guidance is a material consideration that is relevant when considering policies Env 4 and Env 6. The Edinburgh Design Guidance is relevant for consideration of the other policies.

Listed Building and Setting

It has been concluded in section a) above that the proposals will not harm the listed building, its setting, or the setting of adjacent listed buildings. Therefore, the proposal will not damage the historic structure or diminish the building's interest and will not be detrimental to the setting of the listed building nor the setting or adjacent and neighbouring listed buildings.

The proposal complies with policies Env 4 and Env 3.

Conservation Area

Section b) above concluded that the proposals would preserve the character and appearance of the conservation area.

The proposals comply with policy Env 6.

World Heritage Site

The Outstanding Universal Value (OUV) of the Old and New Towns of Edinburgh World Heritage Site (EWHS) is defined as the remarkable juxtaposition of two clearly articulated urban planning phenomena: the contrast between the organic medieval Old Town and the planned Georgian New Town which provides a clarity of urban structure unrivalled in Europe.

The Statement of Outstanding Universal Value emphasises the importance of maintaining the authenticity of the Site which "continues to retain its historic role as the administrative and cultural capital of Scotland, while remaining a vibrant economic centre."

In terms of the use, the EWHS Management Plan encourages sustainable tourism and recognises that a balance is needed between resident and visitor needs. The re-use of the buildings ensures the New Town Conservation Area is maintained as a thriving part of the city without harm to the OUV.

The proposals will not threaten the authenticity of the World Heritage Site. The development will not cause harm to the Outstanding Universal Value of the Old and New Towns of Edinburgh World Heritage site. The proposed external alterations will have no detrimental impact on the character or appearance of the New Town, nor its relationship with the Medieval Old Town.

The proposal complies with policy Env 1.

Principle of Development

Policy Del 2 (City Centre) states that development which lies within the area of the City Centre will be permitted which retains and enhances its character, attractiveness, vitality, and accessibility and contributes to its role as a strategic business and regional shopping centre and Edinburgh's role as a capital city.

There is no LDP policy specifically for short term let apartments or use or reducing the number of short term lets and no LDP policy for the loss of a language school.

Although the application site is just outside the city centre core (on the opposite side of the road from the boundary), it is so close to the core that the policy is useful in assisting in the consideration of the proposed change of use.

The proposal will provide accommodation for tourists and individuals visiting the city, within an area of already mixed use. The proposal will not prejudice or inhibit the activities of any nearby employment use and will contribute to some degree to the vitality of the city centre. The proposal complies with the objectives of LDP Policy Del 2.

Forming 20 short term let units will utilise existing buildings and the number of users, comparing the number of students to the numbers proposed to be accommodated in the short term let apartments, will not result in the intensification of use of the building. The rear extension will occupy a small area of ground. Overall, the proposal will not result in overdevelopment.

Short term let units are self-catering apartments and are not classed as hotels under The Town and Country Planning (Use Classes) (Scotland) Order 1997.

The principle of the development is acceptable.

Residential Amenity

The main policy that is applicable to the assessment of short stay lets (STLs) is LDP policy Hou 7 (Inappropriate Uses in Residential Areas) which states that developments, including changes of use which would have a materially detrimental impact on the living conditions of nearby residents, will not be permitted.

The non-statutory Guidance for Businesses states that an assessment of a change of use of dwellings to short stay lets will have regard to:

- The character of the new use and of the wider area.
- The size of the property.
- The pattern of activity associated with the use including numbers of occupants, the period of use, issues of noise, disturbance, and parking demand and
- The nature and character of any services provided.

In connection to short stay lets it states - "The Council will not normally grant planning permission in respect of flatted properties where the potential adverse impact on residential amenity is greatest".

Although the change of use is from a language school to short term let apartments, the Guidance for Business is useful as it sets out the considerations for assessing the impact on amenity.

The proposed change of use will apply to the whole of the two buildings. All of the units created will be for commercial holiday lets and there will be no residential uses or flats within the two stairs.

The application site is in a busy city centre street with a mix of uses as well as much residential use, opposite a short row of shops/commercial units and diagonally opposite an existing hotel. There is a level of ambient background noise and level of activity. In these circumstances, there will already be activity on the street at different times of the day and night and although the proposal will introduce more footfall to the street, the application site is a city centre street near the city centre core where such activity already takes place. The proposal is for a change of use from one commercial use to another commercial use. In this context, the proposal will not result in an unreasonable loss to neighbouring residential amenity and will not have a materially detrimental effect on the living conditions and amenity of nearby residents.

The short term let apartments will operate longer hours than the language school and this will be a change to the current commercial operating hours. All of the access, except for the rear basement unit, will be accessed from the front doors in Albyn Place.

One unit will be accessed from the car park at basement level and will have a garden/patio area. Two other rear basement units will have a small patio/small garden area. Some noise will be expected to be created from these rear basements outside spaces. However, there are rear gardens in the surrounding area.

Anti-social behaviour such as noise disturbance can be dealt with through relevant legislation, such as by Police Scotland or Environmental Health Acts.

It is acknowledged that access to the car park is via Wemyss Place Mews and that the pattern in terms of time of use, of vehicle movements may change due to the proposal. However, the current occupants could use the car park at any time, day, or night, if they so wished and the proposal would not change the availability of the car park regarding the time of use and associated movement.

In terms of light pollution, the building already spills light from windows and there are lights on the rear of the building. It is not expected that the proposal will result in unacceptable levels of light.

The proposal complies with LDP policy Hou 7.

Transport and Parking

LDP Policies Tra 2 - Tra 4 sets out the requirements for private car and cycle parking. The Edinburgh Design Guidance (EDG) sets out the maximum number of car parking spaces for new development and sets out the cycle parking requirements.

The Roads Authority has advised that it has no objection to the proposals subject to appropriate conditions or informatives relating to a tram contribution of £21,747 and a minimum of four-cycle parking spaces.

Car parking already exists to the rear of the application site. Nine spaces currently exist on site and ten spaces are proposed to include a disabled bay. The Roads Authority has requested four secure cycle parking spaces and, although there is no requirement for cycle parking for short term lets, given the number of units proposed the provision of cycle parking would encourage more sustainable travel modes. Therefore, a condition is recommended.

Deliveries already service the buildings, and the pattern of deliveries will change. Management of deliveries is the responsibility of the operator and using planning to control delivery times and locations/routes does not meet the criteria set out in Planning Circular 4/1998 the use of conditions in planning permissions.

The proposal complies with Tra 2, Tra 3 and Tra 4.

Wildlife - Species Protection

LDP policy Env 16 aims to ensure that development does not have an adverse impact on protected species.

The applicant has submitted a bat survey and it concluded that the area surrounding the site has moderate suitability to be used by a range of bat species for roosting, foraging, and commuting. The site itself was assessed as having low suitability for roosting bats and no direct evidence of bats was found within the structure of the building.

Conclusion in relation to the Development Plan

Overall, the proposal complies with the Development Plan and is acceptable in principle. The proposal will preserve the special architectural and historic interest of the listed building and setting. The character and appearance of the conservation area will be preserved, and the Outstanding Universal Value of the World Heritage Site will not be compromised. There will not be an unreasonable loss to neighbouring residential amenity and there are no transport or parking issues. A developer contribution is required for the tram.

d) There are any other material considerations which must be addressed?

The following material planning considerations have been identified:

SPP - Sustainable development

Scottish Planning Policy (SPP) is a significant material consideration due to the LDP being over 5 years old. Paragraph 28 of SPP gives a presumption in favour of development which contributes to sustainable development. Paragraph 29 outlines the thirteen principles which should guide the assessment of sustainable development.

The proposal complies with Paragraph 29 of SPP. The development will contribute to the economy and will make efficient use of the land and infrastructure and support the city centre and nearby town and local centres. The site is near good public transport links and near cycle routes.

The development will protect and promote access to cultural heritage, such as the World Heritage Site.

Emerging policy context

The Revised Draft National Planning Framework 4 was laid before the Scottish Parliament on 08 November 2022 for approval. As it has not completed its parliamentary process, only limited weight can be attached to it as a material consideration in the determination of this application.

While City Plan 2030 represents the settled will of the Council, it has not yet been submitted to Scottish Ministers for examination. As such, little weight can be attached to it as a material consideration in the determination of this application.

Equalities and human rights

Due regard has been given to section 149 of the Equalities Act 2010. No impacts have been identified.

Consideration has been given to human rights. No impacts have been identified through the assessment and no comments have been received in relation to human rights.

Public representations

A summary of the representations is provided below:

material considerations

- design of rear extension. Addressed in section a).
- loss of internal fabric. Addressed in section a).
- impact on plan layout/form. Addressed in section a)
- impact on principal rooms (addition of kitchens). Addressed in section a).
- impact on conservation areas - contrary to guidance and LDP. Addressed in section c).
- principle of development - too many short term lets; addressed in section; proposed use; reducing short term lets accommodation; out of character; overdevelopment; should it be class 7 use. Addressed in section c).
- impact on residential amenity - disturbance; use of car park; noise; living conditions; hours of operation; drop-offs/pick-ups. Addressed in section c).
- traffic and parking & deliveries. Addressed in section c).
- light pollution. Addressed in section c).

non-material considerations

- need for short term lets. There are no policies regarding the need for short term lets. Therefore, this is not a material planning consideration.
- litter and overflowing bins. This is not a material planning consideration.
- residential development would be better. The planning authority can only consider the application submitted and is unable to consider suggestions for alternative uses for an application.
- increases residential. This is not a material planning consideration for this application.
- lack of onsite control. This is not a material planning consideration for this application.
- road and pedestrian safety. This is the responsibility of the Roads Authority and is not a material planning consideration for this application.
- booking systems. This is not a material planning consideration.
- noise detector and warning systems. Planning cannot control these and, therefore, they are not material planning considerations.
- consult Transport Scotland. The proposal does not raise matters to which Transport Scotland are responsible.
- Waste. It is the responsibility of the developer/operator to ensure that a waste strategy is in place.

New Town & Broughton Community Council

material considerations

- policy Hou 7 (Inappropriate Uses in Residential Areas). Addressed in section c).
- SPP sustainability principles - avoiding over-development, protecting the amenity of new and existing development. Addressed in section d).
- use class - Hotel class 7? Addressed in section c).

non-material considerations

- draft City Plan 2030. This is not a material planning consideration at this time.
- loss of housing. There is no LDP policy for loss of housing.
- absence of reception area. Reception areas not required for short-term letting apartments. This is not a material planning consideration.

Conclusion in relation to identified material considerations

There are no equalities or human rights issues, and the proposal complies with the SPP Sustainability Principles. The material considerations do not raise any matters which would result in recommending the application for refusal. Therefore, the application should be granted.

Overall conclusion

The proposal is acceptable with regard to Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as it will not harm the listed building, or its setting and it will preserve or enhance the character or appearance of the conservation area.

Overall, the proposal complies with the Development Plan and is acceptable in principle. The proposal will preserve the special architectural and historic interest of the listed building and setting. The character and appearance of the conservation area will be preserved, and the Outstanding Universal Value of the World Heritage Site will not be compromised. There will not be an unreasonable loss to neighbouring residential amenity and there are no transport or parking issues.

There are no equalities or human rights issues, and the proposal complies with the SPP Sustainability Principle. There are no material considerations which raise compelling reasons why the application should be refused. Therefore, the application should be granted.

There are no material considerations that outweigh this conclusion. The proposal is acceptable, and approval is recommended.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following.

Conditions

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted. If development has not begun at the expiration of this period, the planning permission lapses.
2. Notwithstanding the approved drawings, the external walls of the rear extension shall be stone.

3. Notwithstanding the approved drawings, the timber fence and decking for the rear extension are not approved. Details of the enclosure and boundary treatment and hardstanding shall be submitted to and approved in writing by the planning authority prior to commencement of development.
4. Notwithstanding the approved drawings, no kitchen units to be attached to the internal walls or skirting boards.
5. Notwithstanding the approved drawings, no services shall interfere with the original decorative elements of the room.
6. Notwithstanding the approved drawings, details of services, such as extract vents etc, on the external walls and roof shall be submitted to and approved in writing by the planning authority prior to the commencement of development.
7. Four cycle parking spaces shall be provided, and no development shall take place until details of the cycle parking have been submitted to and approved in writing by the planning authority.

Reasons: -

1. To accord with Section 58 of the Town and Country Planning (Scotland) Act 1997.
2. In order to safeguard the character of the statutorily listed building.
3. In order to safeguard the character of the statutorily listed building.
4. In order to safeguard the character of the statutorily listed building.
5. In order to safeguard the character of the statutorily listed building.
6. In order to safeguard the character of the statutorily listed building.
7. In order to provide for sustainable travel modes.

Informatives

It should be noted that:

1. Consent shall not be issued until a suitable legal agreement, including those requiring a financial contribution payable to the City of Edinburgh Council, has been concluded in relation to transport infrastructure.

£21,747 contribution towards Edinburgh Tram Line. The sum to be indexed as appropriate and the use period to be 10 years from date of payment.

2. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.

3. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.
4. Four secure cycle parking spaces shall be provided.

Background Reading/External References

To view details of the application go to the [Planning Portal](#)

Further Information - Local Development Plan

Date Registered: 31 March 2022

Drawing Numbers/Scheme

01-36.

Scheme 1

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Jackie McInnes, Planning officer
E-mail: jackie.mcinnnes@edinburgh.gov.uk

Appendix 1

Summary of Consultation Responses

NAME: Historic Environment Scotland

COMMENT: No comments to make on the proposals.

DATE: 12 September 2022

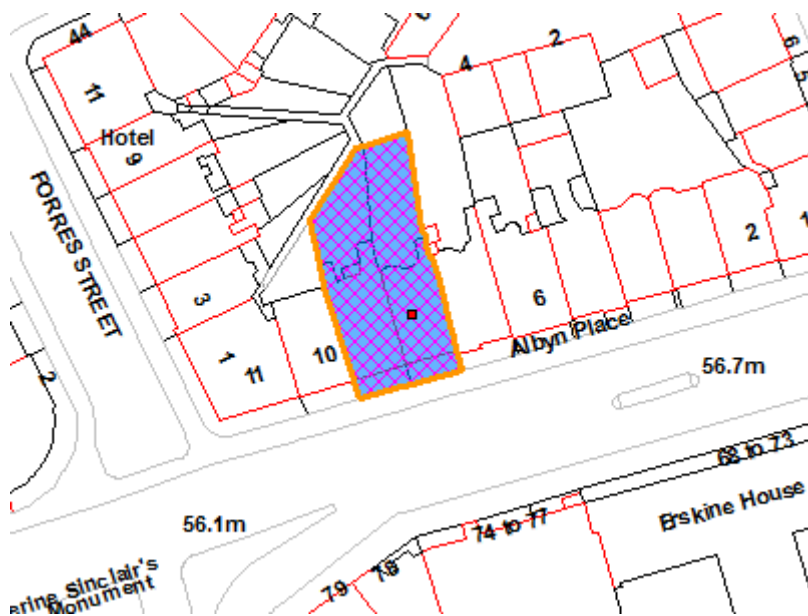
NAME: Roads Authority (Transport)

COMMENT: No objection to application subject to informatives or conditions relating to tram contribution of £21,747 and provision of 4 secure cycle parking spaces.

DATE: 22 September 2022

The full consultation response can be viewed on the [Planning & Building Standards Portal](#).

Location Plan



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Development Management Sub-Committee Report

Wednesday 11 January 2023

**Application for Listed Building Consent
8 & 9 Albyn Place, Edinburgh, EH2 4NG.**

Proposal: Rear extension and internal alterations. The accompanying design statement and plans detail the proposed alterations and small extension.

**Item – Committee Decision
Application Number – 22/01637/LBC
Ward – B11 - City Centre**

Reasons for Referral to Committee

This application is linked to planning application 22/01636/FUL which requires to be considered by Development Management Sub Committee because there are more than six objections, and the recommendation is to grant planning permission. In the public interest and to enable a holistic approach to considering the proposed development, this Listed Building Consent application will also be considered by Development Management Sub Committee.

Recommendation

It is recommended that this application be **Granted** subject to the details below.

Summary

The proposal will not harm the special architectural and historic interest of the building. The proposals will preserve the character and setting of the listed building and accord with sections 59 and 64 of the Planning (Listed Buildings and Conservation Area) (Scotland) Act 1997. It will also preserve the character and appearance of the conservation area. There are no material considerations that outweigh this conclusion. The proposal, with the use of conditions relating to the elevation treatment of the rear extension and the rear enclosure boundary and hardstanding treatment, is acceptable.

SECTION A – Application Background

Site Description

The application site is on the south side of Albyn Place between Wemyss Place and Forres Street. It is two interconnected town houses of three storeys plus a basement and attic level in a stone terrace. Cupolas, dormers and rooflights exist in the roof planes. The rear ground is wholly tarmacked and used as a parking area accessed from Wemyss Place Mews.

Numbers 8 and 9 Albyn Place are category A listed buildings (ref: LB28234; date of listing 14 December 1970). The listing includes all the numbers in the terraced block i.e., 1-11 Albyn Place, including the railings with 2-4 (inclusive numbers) Wemyss Place Mews. It was designed by "James Gillespie Graham in 1822 and is a symmetrical classical palace block, comprising 9-bay central pavilion flanked by pair of 9-bay linking terraces, flanked in turn by a pair of 5-bay terminal pavilions of polished ashlar stone. There is ashlar steps and entrance platts oversailing the basement."

The special interest of the application buildings is as part of the Edinburgh New Town A Group which is a significant surviving part of one of the most important and best-preserved examples of urban planning in Britain.

As well as the listed terrace, other listed buildings, all category A listed are found in the surrounding streets, such as Forres Street, Wemyss Place, Wemyss Place Mews, Darnaway Street and Moray Place. There are also A listed buildings diagonally opposite the application buildings in North Charlotte Street.

The immediate surrounding area consists of mainly similar stone terraces, a few with commercial use at ground floor level. A mix of uses is found in the surrounding area, such as offices, cafes, shops and predominantly residential. The application buildings are currently in use as a language school.

The application site is in New Town Conservation Area and in the Old and New Towns of Edinburgh World Heritage Site.

Description of the Proposal

The proposal is for a small rear extension, minor alterations to front (principal) elevation and internal alterations. This is to enable the use of the buildings to be changed to form 20 short term let apartments. Most of the proposed work is internal with minor changes externally.

The party walls between numbers 8 and 9 at basement and second floor levels will be refilled in to reinstate the current building back to two separate buildings. The existing entrance door, hall and stairs of each building will be retained.

To the rear of the building, it is proposed to remove a non-original single storey extension to the original outshot and replace it with a modern contemporary extension.

The proposal for number 8 is:

- basement converted into three short term let units; accessed from existing basement doors; one with private garden area to rear.
- ground and first floors: each will form one-bedroom apartments accessed from communal stair, via main front door.
- second and third floors: split to form two units per floor accessed from communal stair via main door.

The proposal for number 9 is:

- basement converted into four short term let units; one unit will have private external space in flagged basement; accessed from existing basement doors; two units will have private garden area to rear of building.
- ground floor: will form a one-bedroom apartment.
- first, second and third floors will be split into two units per floor accessed from communal stair, via main entrance door.

Internally, existing original detailing in principal rooms will be retained and preserved. Where non original later alterations are removed, historic detailing will be preserved or restored. Chimneys and fireplaces will be retained.

Windows will be reinstated and iron bars at basement level will be removed with stone being repaired and reinstated. Rooflights are proposed on the flat areas of the roofs.

Kitchens and bathrooms will be located away from principal elevations. Kitchens on the ground and first floors will be located to the rear of the principal rooms such as in the buffet recess of no. 9 and curved to fit curve of no. 8. On first floor kitchens will be positioned against existing partitions which already split principal rooms. Part of the partition will be receded to enable reinstatement of a central window and panelling of windows.

The proposed replacement rear extension will be single storey and clad with vertical seamed zinc and flat dark single membrane roof. Sliding aluminium framed patio doors will be in the west elevation and a timber deck is proposed. Timber fencing is proposed to enclose the garden area.

Ten car parking spaces will be provided in the rear existing car park.

A proposed change of use from language school to form twenty short term let apartments will be considered in the parallel application 22/01636/FUL.

Supporting Information

- Design and conservation statement
- Planning Statement

Relevant Site History

22/01636/FUL
8 & 9 Albyn Place
Edinburgh
EH2 4NG

Change of use from English language school to form 20 No. commercially managed short term let apartments including a rear extension and internal alterations.

12/00596/FUL

8 Albyn Place

Edinburgh

EH2 4NG

Change of use from offices to a language school.

Granted

26 April 2012

12/00668/LBC

8, 9 Albyn Place

Edinburgh

EH2 4NG

Alterations at lower ground and second floors to form new openings to inter-connect the two buildings and form additional toilet accommodation within number 8

Granted

7 May 2012

Other Relevant Site History

No other relevant site history.

Pre-Application process

There is no pre-application process history.

Consultation Engagement

Historic Environment Scotland

Refer to Appendix 1 for a summary of the consultation response.

Publicity and Public Engagement

Date of Neighbour Notification: Not Applicable

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): 22 April 2022.

Site Notices Date(s): 11 April 2022.

Number of Contributors: 1

Section B - Assessment

Determining Issues

This application for listed building consent is required to be assessed against Section 14 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (the "1997 Heritage Act"):

- Having due regard to HES Policy and guidance, do the proposals harm a listed building or its setting?
- If the proposals do comply with HES Policy and guidance, are there any compelling reasons (including but not limited to the public sector equality duty) for not approving them?
- If the proposals do not comply with HES Policy and guidance, are there any compelling reasons (including but not limited to the public sector equality duty) for approving them?

Assessment

To address these determining issues, it needs to be considered whether:

a) The proposals harm the listed building or its setting?

The following HES guidance is relevant in the determination of this application:

- Managing Change in the Historic Environment: Guidance on the Principles of Listed Building Consent
- Managing Change in the Historic Environment: Use and Adaptation of Listed Buildings
- Managing Change in the Historic Environment: Extensions
- Managing Change in the Historic Environment: Roofs
- Managing Change in the Historic Environment: Windows
- Managing Change in the Historic Environment: Interiors
- Managing Change in the Historic Environment: Setting

Historic Environmental Scotland (HES) has advised that it has no comments to make on the proposals.

The proposed change of use will enable the listed buildings to continue to be used and prevent them from becoming vacant and deteriorating. This is particularly important as the buildings form part of an A listed group of buildings which are significant as an almost intact example of urban planning in Britain

Most of the proposed external changes will be minor and will not detract from the listed buildings, their appearance, setting or setting of neighbouring listed buildings. The proposed extension to an existing rear single storey outshot/extension with a similar sized extension will be a subservient addition.

It will result in a small amount of elevation being lost which will not detract from the overall appearance or character of the listed buildings. It will also result in the replacement of a non-original extension. The use of cladding is not appropriate as it would have an adverse impact on the character of the stone building and terrace. Therefore, a condition requiring the external walls to be stone is recommended. Decking is not a traditional or historic feature and a condition seeking a more appropriate hardstanding treatment is recommended. The timber fence so close to the listed building will detract from the setting of the listed buildings and is unacceptable. Therefore, a condition is recommended requiring more sympathetic boundary treatment.

The interiors make a substantial contribution to the special architectural or historic interest of the buildings and are important for understanding their social and cultural heritage. The buildings are currently not in the original residential use and have been altered to make them usable as a language school. Internally, there has been alterations to both buildings including adapting the two buildings to create one building. Non-original features were installed such as partitions, cornicing, doors and openings in walls. Otherwise, much of the original features, e.g. cornicing and fireplaces have remained intact.

On the whole, much of the original plan form exists and the proposal will make some minor changes to these, e.g. removal and part removal of non-original partitions. This will bring the plan form to reflect the original layout of the original townhouses. Some of the internal fabric will be lost, such as creating new door openings in original walls. However, features will be retained and restored, e.g. fireplaces, cornicing. The proposals will re-establish the buildings as two separate buildings and preserve or restore original features, such as doors.

In terms of kitchens in principal rooms, these are generally not supported. The kitchens have been sensitively located in each of the proposed short term let units with those in the principal rooms being to the rear of the room and free standing i.e. not attached to walls/fabric. Putting back the building into two separate listed buildings is a major benefit of the proposed development. On balance, the installation of kitchens in the principal rooms is acceptable in this context. Changes and restoration as proposed are sympathetic to the category A listed status of the buildings and returning the buildings into two separate buildings is welcomed.

The proposal will enable the listed buildings to remain in use and will not harm the special architectural or historic interest of the buildings and will not detract from their setting or the setting of neighbouring listed buildings.

Conclusion in relation to the listed building

The proposal is acceptable with regard to Section 59 (1) of the Planning (Listed Building and Conservation Areas) (Scotland) Act 1997.

b) The proposals harm the character or appearance of the conservation area?

Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states: "In exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."

The site is in the New Town Conservation Area. The character appraisal states that, the New Town Conservation Area represents a planned urban concept of European significance with an overriding character of Georgian formality. Stone built terrace houses and tenements, built to the highest standards, overlook communal private gardens; to the rear are lanes with mews buildings, many of which are now in housing use. The importance of the area lies in the formal plan layout of buildings, streets, mews and gardens and in the quality of the buildings themselves.

The following HES guidance is relevant in the determination of this application:

- Managing Change in the Historic Environment: Guidance on Conservation Areas.

Land uses accommodating tourists, such as hotels, apart hotels and short term let apartments are found in New Town Conservation Area. The proposal is to change the use of the buildings from one commercial use to another commercial use. The proposed use will be compatible with the character of the New Town Conservation Area in terms of tourists and businesses. The character of the conservation area will be preserved.

The minor external changes to the elevations will not take away from the appearance of the conservation area. The proposed rear single storey extension will be an improvement on the current non-traditional extension. The prevailing form of original boundary treatment is stone walls around the entire garden area. Timber fences and subdivision of gardens are not original features. It is acknowledged that a secure boundary is required for the rear basement short term let unit and, therefore, defining a small section of rear ground currently laid out in tarmac to facilitate this is acceptable. However, a more appropriate material and design is required including the hardstanding treatment proposed. Therefore, conditions are recommended requiring the elevations to be stone and more appropriate material and design for the enclosure and hardstanding to preserve the conservation area and be a sympathetic addition.

Conclusion in relation to the conservation area

The works are of benefit to the conservation area and are acceptable with regard to Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

c) there are any other matters to consider?

The following matters have been identified for consideration:

Equalities and human rights

Due regard has been given to section 149 of the Equalities Act 2010. No impacts have been identified.

Consideration has been given to human rights. No impacts have been identified through the assessment and no comments have been received in relation to human rights.

Public representations

One public comment was received from The Architectural Heritage Society Scotland (AHSS) who objected to the application.

A summary of the representation is provided below:

material considerations

- design of rear extension. Addressed in section a).
- loss of internal fabric. Addressed in section a).
- impact on plan layout/form. Addressed in section a)
- impact on principal rooms (addition of kitchens). Addressed in section a).

non-material considerations

- overdevelopment. This will be considered in the parallel detailed application 22/01636/FUL.
- contrary to council guidance and LDP. This will be considered in the parallel detailed application 22/01636/FUL.

Conclusion in relation to other matters considered

There are no material considerations which indicate that the proposals should be refused.

Overall conclusion

The proposal will not harm the special architectural and historic interest of the building. The proposals will preserve the character and setting of the listed building and accord with sections 59 and 64 of the Planning (Listed Buildings and Conservation Area) (Scotland) Act 1997. It will also preserve the character and appearance of the conservation area. There are no material considerations that outweigh this conclusion. The proposal is acceptable, with the use of conditions relating to the elevation treatment of the rear extension and the rear enclosure boundary and hardstanding treatment.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

Conditions :-

1. Notwithstanding the approved drawings, the external walls of the rear extension shall be stone.
2. Notwithstanding the approved drawings, the timber fence and decking for the rear extension are not approved. Details of the enclosure and boundary treatment and hardstanding shall be submitted to and approved in writing by the planning authority prior to the commencement of development.
3. Notwithstanding the approved drawings, no kitchen units to be attached to the internal walls or skirting boards.
4. Notwithstanding the approved drawings, no services shall interfere with the original decorative elements of the rooms.
5. Notwithstanding the approved drawings, details of services, such as extract vents etc, on the external walls and roof shall be submitted to and approved in writing by the planning authority prior to the commencement of development.

Reasons:-

1. In order to safeguard the character of the statutorily listed building.
2. In order to safeguard the character of the statutorily listed building.
3. In order to safeguard the character of the statutorily listed building.
4. In order to safeguard the character of the statutorily listed building.
5. In order to safeguard the character of the statutorily listed building.

Background Reading/External References

To view details of the application go to the [Planning Portal](#)

Further Information - Local Development Plan

Date Registered: 31 March 2022

Drawing Numbers/Scheme

01-36.

Scheme 1

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Jackie McInnes, Planning officer
E-mail: jackie.mcinnnes@edinburgh.gov.uk

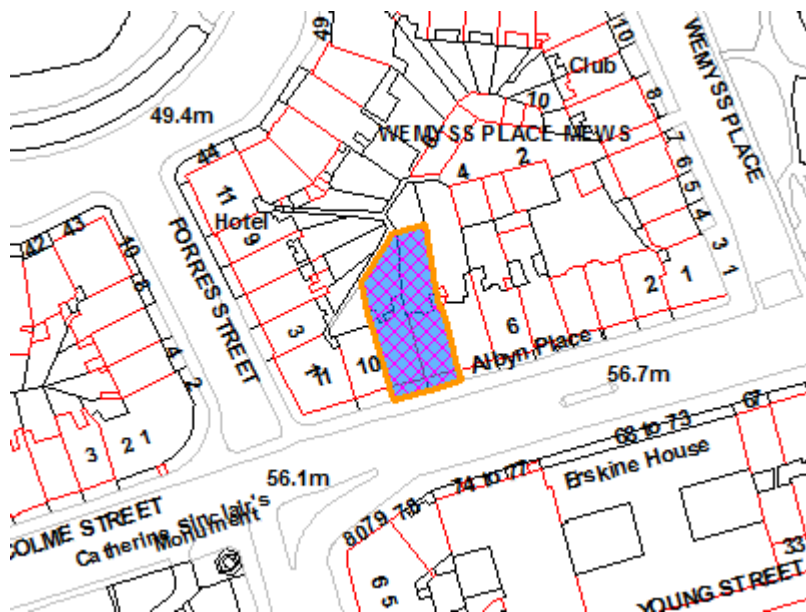
Appendix 1

Summary of Consultation Responses

NAME: Historic Environment Scotland
COMMENT: We have considered the information received and do not have any comments to make on the proposals.
DATE: 21 April 2022

The full consultation response can be viewed on the [Planning & Building Standards Portal](#).

Location Plan



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Development Management Sub-Committee Report

Wednesday 11 January 2023

**Application for Planning Permission
Granton Harbour, West Harbour Road, Edinburgh.**

Proposal: Mixed-use development comprising houses, flats and commercial units; surrounding roads, public realm areas and infill of land (Plot 35A).

**Item – Committee Decision
Application Number – 21/06413/FUL
Ward – B04 - Forth**

Reasons for Referral to Committee

The application is referred to the Development Management Sub-Committee due the significance in terms of the wider public interest as it is associated with a large-scale development.

Recommendation

It is recommended that this application be **Refused** subject to the details below.

Summary

The proposal is acceptable with regard to Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as it will not harm the listed building.

The proposal is contrary to LDP Policies Env 21 (Flood Protection), Des 7 (Layout Design), Des 8 (Public Realm and Landscape Design) and Hou 6 (Affordable Housing). Insufficient information has been provided to demonstrate that the buildings and people will be free from flood risk. It has not been possible to conclude if the layout of the proposed scheme is appropriate and whether it fully complies with all LDP Policies.

On this basis the proposal is unacceptable.

The proposal does not comply with paragraph 29 of Scottish Planning Policy.

There are no material considerations which outweigh the conclusion above.

SECTION A – Application Background

Site Description

The site is within the Granton Harbour area and is 17130 square metres in area.

The application site is an area of land and water, a portion of which will require to be reclaimed from the Granton inner harbour. The location of the application site within the Granton Harbour Masterplan is to the immediate east of Plot 35.

Plot 35 is to be developed for hotel use, and to the south is Plot 8B, which is anticipated for marina use. To the immediate north is the Granton Harbour Western Breakwater, Esparto Wharf and Pier, which is a category B listed structure (LB reference: 30219 Listed on 28 November 1989).

Description of the Proposal

The proposal is for 81 residential units, which comprise 75 flats, three duplex/triple units with driveway and garage and three detached townhouses with driveway and garage. The proposal also includes 15 commercial units (Class 1, 2 or 3 and covering a total of 1004 sqm of floorspace) the surrounding roads, public realm areas and the infill of land.

The development forms a larger perimeter style block which is split into two development plots divided by a central pedestrian route which will run from the proposed hotel to the west of the site to the harbour to the east.

The two development plots are designed as square horseshoe shapes. The southern block is a mixture of four and five storeys with a stepped back fifth storey proposed in some elevations. The northern block is a mixture of four to six storeys.

The ground commercial units are proposed along the western elevations of both blocks fronting onto the adjacent hotel site and also along the southern elevation of the southern block. These range in size from 27sqm to 133sqm.

The primary materials are Aspen Corian with Willow Corian for the insert sections, the windows are to be brass coloured and the ground floor shop fronts contain a brass finish with large areas of glazing.

In the centre of each of the two sites would be a raised amenity deck, with individual garden areas for the town houses and common garden areas for the flats on each site.

The application also includes a public square which is located south of the buildings proposed on plot 35a adjoining the already-approved Marina office building

A total of 103 car parking spaces are proposed. This is split between the ground floor level under the amenity deck areas and the basement level. Eight of the spaces are to be accessible and all the car parking is to have electric vehicle charge points. There are five motorcycle parking spaces and 189 cycle parking spaces.

Vehicular access to the underground car park is via ramps from the road on the southern boundary and from the road adjacent to the North Break Water to the north of the site.

Revised Scheme

A revised site plan has been submitted, providing further details of finished floor levels.

Supporting Information

The following information was submitted in support of the application.:

- Sustainability Form
- Pre-application Consultation Report
- Design and Access Statement
- Planning Statement
- Ecological Impact Assessment
- Habitats Regulation Assessment
- Noise Impact Assessment
- Flood Risk Assessment (Envirocentre, 2022); and
- Surface Water Management Plan
- Supporting Statement and Letters from Envirocentre relating to Flood Risk Assessment and Surface Water Management Plan
- Phase I Geo-Environmental Risk Assessment
- Landscape Specification
- Maintenance Schedule
- Flood Risk Assessment (Fairhurst, 2017) and Appendix
- Wave Transformation Modelling Report (DHI, 2016) and Appendices
- Wave Disturbance Modelling Addendum (DHI, 2022)
- Additional statement from DHI regarding Flood Risk Assessment and Surface Water Management

These documents are available to view on the Planning and Building Standards Online Service.

Relevant Site History

18/01428/PPP
Granton Harbour
West Harbour Road
Edinburgh

Extension of time limit of the existing outline planning approval to extend the duration of the permission for five years to 20th June 2023

Deemed Refusal
10 August 2018

17/02484/AMC
Granton Harbour
West Harbour Road
Edinburgh

Approval of matters specified in condition 2 of outline application 01/00802/OUT covering siting and height of development, design, and configuration of public and open spaces, access, road layouts, footpaths and cycle routes. at Granton Harbour, West Harbour Road.

Approved
25 May 2021

21/06095/FUL
Granton Harbour
West Harbour Road
Edinburgh

Construction of rock revetment and associated pedestrian walkway at west side of inner harbour.

Granted
1 June 2022

21/06468/LBC
Granton Harbour
West Harbour Road
Edinburgh

Alterations to listed building to allow proposed mixed-use development (Plot 35A).

Granted
1 June 2022

21/06440/FUL
Granton Harbour
West Harbour Road
Edinburgh

Formation of access roads, cycle ways and public realm areas (Plots 35 and 35A).

01/00802/OUT
Granton Harbour
Edinburgh

Granton Harbour Village, mixed use dev. comprising residential units, hotel + serviced apartments , shops + retail/services, restaurants/cafes , public houses, general business, leisure facilities + marina (revised urban design guidance)

Granted
23 June 2003

06/03636/REM
Granton Harbour
West Harbour Road
Edinburgh

Reserved matters application to discharge the following reserved matters as attached to outline planning permission 01/00802/out (under condition 2): siting and height of development; design and configuration of public and open spaces; access, road layouts; footpaths and cycle routes; (1) existing and finished ground levels in relation to ordnance Datum AT Granton Harbour, Edinburgh

Granted

4 March 2009

05/01604/LBC

Granton Harbour

West Harbour Road

Edinburgh

Strengthening works to the upper, concrete wall forming part of the west breakwater of Granton Harbour

Granted

30 April 2009

05/01604/FUL

Granton Harbour

West Harbour Road

Edinburgh

Strengthening works to the upper, concrete wall forming part of the west breakwater of Granton Harbour

Granted

27 March 2009

Other Relevant Site History

18/02833/AMC

Plots 8A and 8B

Granton Harbour

West Harbour Road

Edinburgh

Land to the south of the site: proposed marina office with associated retail, cafe space and community boat yard (as amended)

Approved

12 March 2019

17/05306/AMC

Plots 29 and 35

Granton Harbour

West Harbour Road

Edinburgh

Land to the west of the site: housing, hotel and serviced flats development. Application for approval of matters conditioned regarding the erection of buildings containing residential flats, hotel and serviced apartments; formation of road access, parking, and open space (AS AMENDED)

Approved on appeal by DPEA.
24 September 2019

Pre-Application process

There is no pre-application process history.

Consultation Engagement

Edinburgh Airport Safeguarding

Transport Planning

Granton Community Council

Environmental Protection

Flood Planning

Communities and Families

Historic Environment Scotland

Affordable Housing

SEPA

Refer to Appendix 1 for a summary of the consultation response.

Publicity and Public Engagement

Date of Neighbour Notification: 17 December 2021

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): 7 January 2022

Site Notices Date(s): Not Applicable

Number of Contributors: 4

Section B - Assessment

Determining Issues

Due to the proposals relating to a listed building(s), this report will first consider the proposals in terms of Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997:

- Is there a strong presumption against granting planning permission due to the development harming the listed building or its setting?

- If the strong presumption against granting planning permission is engaged, are there any significant public interest advantages of the development which can only be delivered at the scheme's proposed location that are sufficient to outweigh it?

This report will then consider the proposed development under Sections 25 and 37 of the Town and Country Planning (Scotland) Act 1997 (the 1997 Act):

Do the proposals comply with the development plan?

If the proposals do comply with the development plan, are there any compelling material considerations for not approving them?

If the proposals do not comply with the development plan, are there any compelling material considerations for approving them?

In the assessment of material considerations this report will consider:

- the Scottish Planning Policy presumption in favour of sustainable development, which is a significant material consideration due to the development plan being over 5 years old;
- equalities and human rights;
- public representations and
- any other identified material considerations.

Assessment

To address these determining issues, it needs to be considered whether:

a) The proposals harm the listed building and its setting?

The following HES guidance is relevant in the determination of this application:

- Managing Change in the Historic Environment: Setting

The B listed breakwater was constructed between 1842-63 and also served as a pier with an extensive timber wharf. The site was formerly used for the shipment of coal, esparto grass and later petrol and oil. The lower section of pier was significantly altered by land reclamation between here and mid pier circa 1970 and the shape of the inner harbour today is significantly different from the original shape in the nineteenth century.

The listed building comprises two parts. First is the breakwater, which comprises coursed sandstone blocks along the harbour-facing side. It includes a battered base to the pier surmounted by vertical walls; that to the sea-facing side continue to form a parapet; rebuilt in concrete along lower end; with coursed sandstone and ridged coping towards the end of pier. The second part is the timber wharf along the harbour-facing side.

A programme of archaeological works was undertaken in 2008. The area formerly occupied by the timber wharf (sometimes known as the esparto wharf) is now partly under water in the Inner Harbour. No remains are evident of the former wharf in the Inner Harbour. A portion of the Inner Harbour to the west of the present application site was previously infilled and this operation has potentially destroyed remains of the timber structure. At surface level the ground has been covered in concrete and other than limited remains of a twentieth century structure and limited evidence of rail tracks, little of historic interest remains.

HES has not objected to the proposals. Consultation was undertaken with the City Archaeologist, and it was noted that although the listed Victorian breakwater will be impacted upon by these proposals, these impacts are considered to have a low-moderate archaeological impact. The principle of mixed-use development of this site was approved through the outline permission (application number 01/00802/OUT). Given extensive intervention in the past and the limited remains on site, the proposals in this case will not harm the listed structure. Based on the information provided, there are no aspects of the proposal which would harm the setting of the listed building and the nearby A listed Middle Pier and Pilot House, the B listed lighthouse or the C listed harbour. The historic shoreline has already been significantly altered as has the surface.

However, if planning permission is granted it is recommended that a programme of works is undertaken during any works occurring adjacent to and direct on this historic structure, to record any historic remains that may be revealed or affected and ensure protection. This will complement work already undertaken during test trenching along the line of the breakwater and recording of its upper superstructure.

Conclusion in relation to the listed building

The proposal is acceptable with regard to Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as it will not harm the listed building.

The proposal will have a low to moderate impact on archaeological remains, but subject to a condition requiring a full programme of archaeological works it could be acceptable in this regard. Little of historic value remains due to significant land reclamation and previous alterations to the structure during the twentieth century. The infill of land will have a limited impact on the existing structure and will not harm the listed building or the setting of surrounding listed structures.

b) The proposals comply with the development plan?

The development plan comprises the Strategic and Local Development Plans. The relevant Edinburgh Local Development Plan 2016 (LDP) policies to be considered are:

- LDP Environment Policies Env 3, Env 4, Env 9, Env 13, Env 16, Env 21 and Env 22
- LDP Delivery Policies Del 1 and Del 3
- LDP Housing Policies Hou 1, Hou 2, Hou 3, Hou 4 and Hou 6
- LDP Retail Policies Ret 6 and Ret 11
- LDP Design Policies Des 1, Des 2, Des 3, Des 4, Des 5, Des 7, Des 8 and Des 10
- LDP Transport Policies Tra 2, Tra 3 and Tra 4

Impact on Listed Buildings

This has been assessed in section (a) above. The application complies with LDP Policies Env 3 and Env 4.

Principle

The site is located within the Granton Harbour Area at Granton Waterfront, as identified in the Edinburgh Local Development Plan (LDP). It is covered by Proposal EW2c for housing led mixed use development across Granton Harbour. The principle of the infilling of the land also requires consideration.

The development principles of the LDP set out that proposals will be expected to:

- complete the approved street layout and perimeter block urban form
- provide a housing mix that is appropriate to the site in terms of place-making and would maximise completions within this urban regeneration proposal within the plan period.
- meet the convenience shopping needs of new and future residents by implementing the proposed Local Centre (Proposed S2).
- complete the relevant section of the waterside Edinburgh Promenade.
- provide for retained and improved mooring facilities and boat storage and retain Middle Pier as a 'working pier'.
- include tourism and waterfront-related leisure and entertainment uses.
- provide a strategic flood risk assessment.

LDP Policy Del 3 (Edinburgh Waterfront) supports proposals which meet a number of requirements including the provision of a series of mixed-use sustainable neighbourhoods that connect with the waterfront and proposals for a mix of house types, sizes and affordability alongside the provision of local retail facilities and leisure and tourism attractions and the provision of open space in order to meet the needs of the local community, create local identity and a sense of place.

LDP Policy Hou 1 (Housing Development) states that priority will be given to the delivery of the housing land supply and relevant infrastructure as detailed in the plan including as part of the mixed use regeneration proposals at Edinburgh Waterfront.

The most recently approved masterplan (application number 17/02484/AMC) shows a basic layout for residential use on the plot, although part of the site was outwith the red line boundary of the associated planning permission in principle (PPP). However, condition 2 of the decision notice for that approval states that the reserved matters covering siting and height of development, design and configuration of public and open spaces, access, road layouts, footpaths and cycle routes are not approved in respect of plot 35A.

Previous masterplans have highlighted this part of the site for development and residential use is acceptable in general terms in line with Policy Hou 1 and the LDP Del 3.

The proposed commercial uses consist of a mix of Class 1 (Shops), Class 2 (Financial, professional and other services) and Class 3 (Food and Drink).

As noted above, the general approach for Granton Harbour is to provide a residential led mixed use development with provision of local retail facilities and tourism attractions. The commercial units adjacent to the approved hotel on Plot 35 and next to the area of public realm on the southern part of the site offer opportunities to provide these types of facilities in appropriate locations within the site.

Policy Ret 6 (Out-of-Centre Development) sets out the criteria where proposals for out-of-centre retail development will be permitted. The criteria is: a) addresses a quantitative or qualitative deficiency; b) all potential sites have been assessed and discounted as unsuitable or unavailable; c) the proposal will not have a significant adverse effect on the vitality and viability of any existing centre; and d) the site is or can be made easily accessible by a choice of transport modes and will reduce the length and overall number of shopping trips made by car.

No supporting information in relation to the justification for the units has been provided. However, the units proposed are relatively small in size, with the largest covering an area of 133sqm, and although this is not an application linked to the PPP for the wider site, the PPP does allow for some 23,190 sqm of commercial/business floorspace to come forward within the Granton Harbour area, and there remains adequate capacity to support this development.

Having a mix of uses in a development can help both its sustainability and the sustainability of an area as a whole. The proposed ancillary uses are welcomed to provide local services and employment opportunities and create active frontages.

Policy Ret 11 (Food and Drink Establishments) relates to the change of use of a shop unit or other premises to a licensed or unlicensed restaurant, café, pub, or shop selling hot food for consumption off the premises (hot food take-away) will not be permitted if it is likely to causes issues in relation to amenity or if there is considered to be an excessive concentration of such uses.

Although the proposal is not for a change of use of an existing unit, the policy is still of use for assessing Class 3 uses and the provision of Class 3 uses within this part of the harbour area is acceptable in principle subject to the consideration of any amenity impacts.

In terms of the principle of infilling land within the harbour, there is no specific LDP policy which relates to this matter. The comprehensive mixed-use development of the harbour area was granted outline consent in 2003 through application 01/00802/OUT. Outline consent was granted for a period of 15 years and this was extended for a further five years through application 18/01428/PPP up to June 2023. Although a large portion of the application site falls within this outline consent area, part of the site to the east falls outwith the boundary and consequently full planning permission is required for all elements of the scheme.

The most recent masterplan for the harbour is outlined in application 17/02484/AMC. This identifies the application site as Plot 35A. Plot 35A was not identified within the previous masterplan for the harbour area and represents a significant new development. However, over a period of almost 20 years, the harbour edge and rock revetment have been consented in a number of locations.

The proposed harbour edge and level of infill put forward in this application is broadly consistent with the consented masterplan for the harbour from 2009 outlined in application 06/03636/REM. Within this application, the principle of the proposed position of the harbour edge and the level of infill proposed was accepted, subject to the provision of the following information:

- A landscape plan for all areas of public open space;
- A management and maintenance scheme for the continued up-keep of the public open spaces;
- Full details of the rock revetment to be constructed, including wave modelling results where appropriate;
- Details of play equipment to be installed;
- Details of the drainage scheme to be installed throughout the site; and
- Details of the materials and configuration of the roads, cycleways and footpaths.

However, this information was not provided, no application came forward and the masterplan was subsequently revised. Given that the position of harbour edge has previously been accepted in principle, the proposed level of infill outlined in the current scheme is acceptable subject to the provision of appropriate supporting information; including a Surface Water Management Plan, Flood Risk Assessment, a Wave Modelling Survey and full details of the proposed infill material.

It should be noted that the proposed works would require a Marine License under the terms of the Marine (Scotland) Act 2010. The proposed works would also fall under SEPA's Waste Management Licensing Regime. The applicant must ensure they obtain all relevant licenses and comply with their requirements.

In summary, the general provision of a residential led mixed use development is acceptable at this location and complies with Policy Hou 1, Del 3 and LDP Proposal EW2C. The commercial uses proposed will form part of the mix of uses and the units shown are relatively small in size and will add to the sustainable use of the site. Subject to the provision of appropriate information, the proposed infill of the site is acceptable.

Flooding

LDP Policy Env 21 (Flood Protection) states that planning permission will not be granted for development that would increase flood risk or be at risk of flooding itself.

In line with Regulation 25 of the Town and Country Planning (Development Management Procedure)(Scotland) Regulations 2013 the Planning Authority must consult with the Scottish Environment Protection Agency (SEPA) where a development is likely to result in a material increase in the number of buildings at risk of being damaged by flooding. The application site relates to a harbour area identified on SEPA Flood Risk Maps as having a high likelihood of present and future coastal flooding.

For the purposes of land use planning, and particularly in relation to coastal land reclamation for the purposes of introducing a mixed-use development in an area identified as at risk of coastal flooding, a precautionary approach to flood risk must be demonstrated in line with Scottish Planning Policy.

Consultation has been undertaken with the Scottish Environment Protection Agency (SEPA) and with the City of Edinburgh Council Flooding Team (CEC Flooding).

Following discussions with the applicant and their consultants SEPA has advised that it objects to the proposed development on the grounds of flood risk. SEPA has indicated that the applicant has provided insufficient information to determine potential flood risk associated with the scheme. The City of Edinburgh Flooding Team has also indicated that the provision of further information would be beneficial.

SEPA has identified that the risk to the proposed development posed by wave overtopping has not been adequately modelled. No wave modelling calculations or wave modelling has been presented with specific reference to this development. The consultants acting on behalf of the applicant have provided a Flood Risk Assessment which makes reference to wave overtopping calculations presented in a report prepared in 2016. Though this report does relate to the harbour it is not specific to this development.

The Flood Risk Assessment focusses on risk from wind waves to the North but the development will also be at risk from severe waves from the East. SEPA has identified that by the year 2100 current modelling suggests that the Eastern Breakwater will be submerged on average once a year and will therefore provide limited protection. SEPA has also identified that the new wall consented to the east of the site through application 21/06095/FUL has not been tested in relation to wave overtopping. Due to this lack of modelling, SEPA has indicated that future wave heights and the risk this poses to the development remain unknown. It cannot be assumed that the wave heights would be the same as those modelled on present day extreme levels because as the water depth increases (as an expected consequence of climate change), transmission of waves into the harbour area will also be expected to increase and with potentially higher waves than currently experienced.

Submitted drawings initially showed a finished floor level of 6 metres above Ordnance Datum (AOD). In response to SEPA's concerns regarding wave overtopping and flood risk, the applicant has submitted a revised site plan with a proposed finished floor level at ground floor level at 6.5m AOD. SEPA has stated that it is not possible to comment on the acceptability of the proposed ground floor level due to the lack of sufficient information provided.

The applicant has also proposed amendments to the consented wall and rock revetment to the east of the site to include a 600mm high solid wave wall and railing. However, this wall (consented through application 21/06095/FUL) falls outwith the redline boundary of this application. No change to this structure can be considered as part of this application.

The wall consented through application 21/06095/FUL was considered separately to this application. The applicant advised SEPA and CEC that the rock revetment and wall proposed in application 21/06095/FUL was completely separate to the mixed-use development outlined in this application. The applicant advised that the proposed structure was not supporting infrastructure for development of Plot 35A and should be considered on its own merit. No consideration was therefore given to the appropriateness of this structure as a means of flood defence for plot 35A. This is clearly set out in the decision notice for application 21/06095/FUL.

The applicant was advised by SEPA that in line with published guidance that this structure could not be considered as a formal flood defence measure in the future as the proposed structure was not submitted as a planned flood defence measure under relevant Flood Risk Management legislation and is not adopted by the Flood Risk Management Authority (City of Edinburgh Council) as a formal flood defence measure. Any protection offered by informal flood defences would not be taken into account when considering development behind or benefitting from them. Such proposals would be considered within the context of the SPP risk framework as if the scheme did not exist.

In a number of consultation responses provided between February 2022 and November 2022 SEPA has indicated that future flood risk in relation to the proposed development has not been assessed. SEPA has requested that the applicant provide supporting information demonstrating the proposed development will be protected against the worst case 1 in 200 year flood event. To date this has not been provided. A list of missing information is included in SEPA's formal consultation response dated 27 September 2022.

SEPA has indicated that following a robust assessment of baseline flood risk the applicant should provide site layout and elevation drawings (inclusive of basement, ground and first floor levels) that demonstrate the finished ground level (infill level) and proposed finished floor levels will be set to an appropriate level to have a neutral or better effect on flood risk and will not place new buildings and people in an area at risk of flooding.

SEPA has identified that the proposed finished floor level at basement level of the proposed scheme at 3.1 metres AOD is significantly below the 1 in 200 year Coastal Flood Boundary for the area which is 3.97 metres AOD. SEPA has stated that the proposed development is therefore at risk of coastal flooding.

The proposed development will rely on flood defence from Breakwaters to the West and East of the site. The applicant has identified that previous strengthening work has been undertaken in relation to the Western Breakwater to support future residential development (Application Reference: 05/01604/FUL). The applicant has also noted that SEPA has not objected to previous planning applications for residential development in the surrounding area. The applicant has confirmed that future maintenance of the Western and Eastern Breakwaters and the new revetment and wall to the east will fall to future occupiers of the site.

Although SEPA has not objected to previous applications linked to other sites in the surrounding area, each application must be considered on its own merit. SEPA notes there have been significant improvements to understanding of flood risk through advances in flood modelling techniques, longer coastal and hydrometric data record lengths, updated climate science and improved records of observed flooding impacts. Furthermore, SEPA has produced various updates to the Flood Hazard Maps (the latest V2 maps were published in November 2020). Planning applications are reviewed on the best available information and legislation, policy and guidance available at the time of submission. In line with current guidance and the information available, SEPA has objected to this scheme.

SEPA has expressed concern over reliance on the Western and Eastern Breakwaters to provide flood defence for mixed use development of the site. The Breakwaters were not designed to protect residential receptors and as the Breakwaters will be privately owned there is an increased risk they are not maintained to the correct standard of protection for the purposes of flood alleviation. CEC Flooding has not objected on maintenance grounds and has indicated that they have no major concerns relating to future maintenance provided that a suitable maintenance plan is agreed and adhered to.

Due to the insufficient level of information provided in relation to future flood risk and the risk posed to the development from wave over topping, the proposal is contrary to Env 21 (Flood Protection) and Scottish Planning Policy. As an adequate assessment of baseline flood risk in the present and future has not been provided it is not possible to undertake a robust assessment of the acceptability of the proposed layout and finished floor level of the proposed scheme. SEPA has objected to the proposal in its capacity as a statutory consultee and if the Committee is minded to grant permission for the scheme Scottish Ministers must be notified in line with the requirements set out in Planning Circular 3/2009: Notification of Planning Applications prior to the issue of any planning permission.

A range of further information would be required in relation to future flood risk and the risk posed to the development by wave over topping. The applicant would also be required to provide further information relating to the condition of the Western and Eastern Breakwater which should demonstrate that they are structurally sound and able to provide adequate levels of flood defence for the lifetime of the proposed mixed-use development of this site.

On this basis the proposals cannot be supported as flood risk has not been appropriately evidenced.

Scale, Form, Design and Layout

LDP Policy Des 1 (Design Quality and Context) states that planning permission will be granted for development where it is demonstrated that the proposal will create or contribute towards a sense of place. Design should be based on an overall design concept that draws upon positive characteristics of the surrounding area. Planning Permission will not be granted for poor quality or inappropriate design of for proposals that would be damaging to the character or appearance of the area around it.

LDP Policy Des 2 (Co-ordinated Development) states planning permission will be granted for development which will not compromise the effective development of adjacent land; or the comprehensive development and regeneration of a wider area as provided for in a master plan, strategy or development brief approved by the Council.

LDP Policy Des 3 (Development Design -Incorporating and Enhancing Existing and Potential Features) states planning permission will be granted for development where it is demonstrated that existing characteristics and features worthy of retention on the site and in the surrounding area, have been identified, incorporated and enhanced through its design.

LDP Policy Des 4 (Development Design - Impact on Setting) notes that where surrounding development is fragmented or poor quality, development proposals should help repair urban fabric, establish model forms of development and generate coherence and distinctiveness, i.e. a sense of place. These requirements are further reinforced through the Edinburgh Design Guidance.

LDP Policy Des 7 (Layout Design) supports development which takes a comprehensive and integrated approach to the layout of buildings streets open spaces, public paths and SUDs features. Layouts should encourage cycling and walking, promote safe access throughout the site and have regard for the needs of people with limited mobility.

LDP Policy Des 8 (Public Realm and Landscape Design) states that planning permission will be granted for development where all external spaces, and features, including streets, footpaths, civic spaces, green spaces boundary treatments and public art have been designed as an integral part of the scheme as a whole.

LDP Policy Des 10 (Waterside Development) states planning permission will only be granted for development on sites on the coastal edge where:

- the proposals provide an attractive frontage to the water in question
- maintains or provides or improves public access to and along the water's edge
- maintains and enhances the water environment, its nature conservation or landscape interest including its margins and river valley
- if appropriate, promotes recreational use of the water.

As outlined above, it has not been demonstrated that the proposed development is free from flood risk. Consultation responses from SEPA outline the proposed basement level would be at risk of flooding and that insufficient information has been provided to quantify the extent of flood risk for the proposed development. CEC Flood Planning has also indicated that further supporting information is required in order to establish potential flood risk to the proposed development.

The basement level contains the vast majority of proposed car parking on site and 78 storage lockers which offer the only cycle parking. The potential removal of the basement level from the proposed scheme would potentially necessitate extensive change to the proposed site layout. SEPA has also identified that the application site is at risk of wave over-topping and as the potential risk has not been fully explored it remains impossible to determine whether the location of buildings, recreational space and other infrastructure is suitable. A full assessment of the proposed design and layout of the scheme can therefore not be undertaken at this time. As the level of flood risk to the proposed development has not been established, discussions have not been undertaken with the applicant on the proposed layout and design of the scheme.

However, it is acknowledged that the proposed heights of the buildings appear appropriate in relation to the surrounding context. Images provided show there is potential for proposed buildings to make an attractive addition to the waterfront. It is unclear how the proposed materials would fair in the coastal environment and more information would be required on the resilience of the materials if permission was to be granted.

Some aspects of the proposed design and layout that have potential to deliver attractive visual and spatial character to the area, including the proposed east-west pedestrian street, views to the water and the large area of public realm next to the marina. However, the proposed parking arrangement, with car parking on two levels appears complicated. Access to basement and ground level car parking would appear to require cars and bikes to cross shared space with pedestrians and clearly defined pedestrian routes around car parking areas are not identified. Sufficient detail is not provided on this matter in the accompanying Design and Access Statement. The proposed scheme does not prioritise pedestrian movement through the site and the level of car parking proposed has not been justified in supporting information. The layout of the proposed development, including the proposed garden decks seems to prioritise the need to fit in a high level of car parking. Access to car parking in the basement will require cars to cross shared space with pedestrians and no details on safe pedestrian walkways or crossings at these basement access points has been provided. The proposed development does not prioritise pedestrian movement and conflicts with LDP Policy Des 7.

Outline landscape proposals have been submitted only rather than fully detailed hard and soft landscape plans that are expected as part of the full application. The current focus on the landscape proposals is on hard paving and specification of street furniture elements, though no information has been provided on proposed street furniture in the public square shown to the south of the site. The balance of hard landscaping to soft should be reconsidered. The level of hardstanding proposed is excessive and the scheme should provide for further planting in open ground rather than containers. It remains unclear that proposed tree planting shown along the east-west walkway would be capable of surviving long term given the coastal environment. Street tree planting needs to be considered in context of coastal microclimate and appropriate forms and species of planting selected. Further information on this matter is required. Adequate rooting conditions and soil volume will be needed below ground. Tree pit information and soil volume calculation to be submitted. This information could be secured by a suitable condition should planning permission be granted.

The arrangement of space is not well defined in the proposed drawings and areas appear empty and exposed without greater detail to provide a human scale, microclimate, or semi-natural planted areas to enhance biodiversity along the coastal edge of the Firth of Forth. Design development is needed in each of the open space typologies of the Broadwalk, pedestrian link and public square next to the marina building. These should be compared to existing spaces of equivalent scale to understand their spatial character and intended use, including provision of cross-sections. Space to the east of the marina building consented through application 18/02833/AMC is within the redline boundary of this application, but there is very limited detail for such a large addition to the public realm. The area is shown entirely as hardstanding and lacks details relating to materials and street furniture. Such a large area of hardstanding is excessive and the addition of soft landscaping and details of street furniture would be required.

The Broadwalk itself and adjacent open spaces provide the opportunity to deliver a coastal public realm, that is resilient and biodiverse and brings nature into the urban environment, responding to its context on the Firth of Forth to create a distinctive sense of place as per LDP Policy Del 3.

Additionally, coastal defences themselves should be considered in terms of their ecological value and opportunity to provide habitat features. It also remains unclear of the role of the above in providing for Sustainable Urban Drainage which should be utilising green infrastructure. This is particularly important given the objection of SEPA on the basis of flood risk. Landscape proposals which address these matters in detail are required. In its current form the proposed development is contrary to LDP Policy Des 8.

Due to the failure to fully assess the flood risk associated with the proposed development, it has not been possible to make a full assessment of the scheme against relevant design policies set out in the LDP. It remains unclear whether the proposed layout is achievable. However, it is clear that insufficient information has been provided to justify the proposed layout and the level of space allocated to parking. Landscaping details are unsatisfactory and the proposal does not prioritise safe pedestrian movement through the whole site.

Based upon the above, the proposal fails to meet the requirements of policies Des 7 and Des 8.

Housing Mix

LDP Policy Hou 2 (Housing Mix) states that the Council will seek the provision of a mix of house types and sizes where practical, to meet a range of housing needs, including those of families, older people and people with special needs, and having regard to the character of the surrounding area and its accessibility.

The mix of flats provided is weighted towards 2-3 bed units with only six one bed units proposed. However, a wide mix of units has been consented throughout the wider area and this proposal will contribute to that mix. More than 50 percent of the proposed units are dual aspect in line with Edinburgh Design Guidance. Edinburgh Design Guidance recommends that for scheme proposing more than 12 residential units that 20% should be suitable for growing families. The recommendation is that these units should have three or more bedrooms, a minimum floor area of 91 square metres and direct access to a private garden or safe play area for children. In this instance 18 units exceed 91 square metres, whilst having three bedrooms and access to either a private garden or large terrace. The proposal complies with guidance in this regard.

The proposed mix of units is acceptable given the provision in the wider area. The proposal complies with LDP Policy Hou 2.

Amenity

Policy Des 5 Development Design (Amenity) states that planning permission will be granted for development that ensures future occupiers have acceptable levels of amenity in relation to noise, daylight, sunlight, privacy or immediate outlook.

LDP Policy Hou 3 (Private Green Space in Housing Development) states that planning permission will be granted for development which makes adequate provision for green space to meet the needs of future residents.

The Edinburgh Design Guidance sets out minimum internal floorspace requirements for new residential development and guidance in relation to sunlight, daylight and privacy expectations.

All proposed residential units either meet or exceed the minimum internal floorspace requirements set out in Edinburgh Design Guidance. In terms of private greenspace the two communal garden decks shown in drawings will provide a sufficient area of greenspace to meet the 10 square metre per flat requirement set out in LDP Policy Hou 3. The garden decks will be accessed from the first floor. First floor plans do not appear to show level access onto the proposed decks. However, contextual elevations do show doors providing level access to the proposed gardens. If planning permission is granted for the scheme, it is recommended floor plans are clarified to show this.

There are generally good separation distances between the proposed blocks within the development, and there are no concerns with regards to privacy for future occupiers. However, it has not been possible to assess whether the proposal fully meets the terms of LDP Policy Des 5 with regard to daylight to proposed residential units and sunlight to proposed garden spaces.

No daylight assessment has been undertaken with regards to the proposed residential units. Drawing 28 shows a 25 degree line drawn from the ground floor level of the consented hotel development at Plot 35 in relation to the proposed residential and commercial units in Block B of the proposed scheme. This shows that the proposed development will not impact daylight to the neighbouring hotel.

Given the separation between most of the proposed buildings within the proposed development it is anticipated that a sufficient level of daylight will be provided to the majority of the proposed residential units. However, the first floor of Block B contains residential units and based on the section drawings provided the first floor windows of Block B would fail the 25 degree daylight assessment if a 25 degree line was drawn from Block B to the proposed hotel to the west. This could indicate that the hotel may have a detrimental impact on the residential units within Block B at first floor level. Edinburgh Design Guidance sets out a requirement that a 'No Skyline Assessment' is undertaken to show that new residential can receive adequate levels of natural light. Where proposed units fail this assessment a more detailed assessment of daylight levels is expected. Given the single aspect nature of three of the proposed flats in Block B at first floor level, with windows to the west facing the proposed hotel, further analysis of daylight to habitable rooms proposed within these units should be undertaken.

No sunpath analysis has been provided. With regards to private amenity space, Edinburgh Design Guidance states amenity space serving new residential development should be capable of receiving potential sunlight for more than two hours during the spring equinox. This will be assessed using hour by hour shadow plans for each hour of 21 March. In this case the proposed communal garden deck serving Blocks B, C and D is north facing and enclosed on the south, east and west sides. There is potential for this area to be significantly overshadowed. No assessment has been made in relation to overshadowing of the proposed communal garden decks or private garden spaces also shown in drawings.

As the proposal includes commercial units at ground floor in Blocks A, B and C below residential units at first floor level, further information will be required in relation to plant equipment and ventilation. No specific information on the exact mix of commercial units has been provided. Any Class 3 units would require a ventilation system capable of 30 air changes per hour in order to control cooking odours and protect residential amenity. All plant equipment associated with the proposed commercial units must not exceed the NR25 noise criteria when measured from residential receptors. This can be controlled by condition, if Committee is minded to grant consent for the proposed scheme.

As noted above, as the level of flood risk to the proposed development has not been established, no discussions have been undertaken with the applicant on these matters, as it could be necessary for the proposed scheme to be changed. However, if planning permission is granted in this instance it is recommended that conditions are included requiring further information is submitted in relation to daylight and potential overshadowing. It should also be noted that there appears to be a scaling error in drawing 27 as submitted on the planning portal and that there is a drawing error in drawings 7 and drawing 16 relating to the second floor, rear room of Duplex 1 in Block E. New drawings would need to be submitted correcting these errors. It also has not been possible to make a full assessment of compliance with LDP Policy Des 5 due to insufficient information in relation to overshadowing and daylight. If planning permission is granted then provision of this information should also be conditioned.

In terms of the potential impact on the amenity of neighbours. The nearest receptor to the application site is the consented hotel development on plot 35. Residential receptors on Hesperus Broadway and Hesperus Crossway are located to the west of the hotel. A drawing provided by the applicant shows that the proposed development will not impact daylight to the proposed hotel on plot 35. Given the separation of the development from residential receptors, there will be no impact on daylight to neighbouring windows, sunlight to neighbouring amenity space or a breach of neighbouring privacy.

Parking and Road Safety

LDP Policies Tra 2 (Car Parking) and Tra 3 (Cycle Parking) of the LDP sets out the requirement for private car and cycle parking. LDP Policy Tra 4 (Design of Off-Street Car and Cycle Parking) states that proposed off-street parking should generally be at basement level within a building, should not compromise pedestrian safety or space which could otherwise deliver an active frontage. The design of off-street parking should promote pedestrian safety with marked walkways provided.

The layout of cycle paths, pedestrian walkways and the majority of the roads was consented through application 21/06440/FUL. However, this scheme will introduce new roads and access points to give access to car parking and cycle parking provided at ground floor and basement level. LDP Policy Tra 4 states that car parking at basement level is generally acceptable, as this limits the visibility of car parking. In this case the proposed location of car parking is screened and will not compromise active frontages. However, access to car parking from the north and south will require cars and bikes to cross shared space with pedestrians. No pedestrian paths or crossings have been identified at these access points and pedestrian movement through the site has not been explored in detail as part of a comprehensive transport statement.

The layout of the proposed development, including the proposed garden decks prioritise the desire to fit in a high level of car parking. The proposed development does not prioritise safe pedestrian movement and conflicts with LDP Policy Tra 4.

LDP Policy Tra 2 states that car parking provision should not exceed car parking standards and that lower provision will be sought subject to criteria which includes the accessibility of the site, impact on amenity, the existing provision of parking and in the case of non-residential units whether the applicant has demonstrated through a travel plan that practical measures can be undertaken to significantly reduce the use of private cars to travel to and from the site.

No detailed justification has been provided by the applicant in relation to car parking. A total of 103 car parking spaces are proposed throughout the site at both ground and basement level. The revised site plan provided in support of the application shows that this is based upon 81 spaces for the proposed residential units and 22 spaces for the proposed commercial units. The revised site plan shows that the 22 spaces proposed for the commercial units is based upon 9 units with a total floorspace of 1078 square metres. However, ground floor plans show 15 commercial units with a total floor area of 1004 square metres. The Planning Statement provided in support of the application indicates that the commercial units will be a mix of Class 1, Class 2 and Class 3 uses. The specific mix of these units is not set out. Parking Standards in Zone 2 would allow 1 car parking space per 50 square metres for Class 1 and Class 2 units and 1 car parking space per 14 square metres for Class 3 units. It is not possible to determine whether the level of car parking complies with the Parking Standards without an understanding of the mix of commercial units. Notwithstanding this, the level of car parking represents close to the maximum level that could be supported on site. This requires to be justified and further details are required.

The proposed site plan includes a schedule which indicates that 100 percent of the proposed car parking spaces are to include electric charging points. These charge points are not indicated on drawings. If planning permission is granted for this proposal, it is recommended a condition is included requiring the provision of electric charge points.

The amended site plan includes a schedule indicating that 189 cycle parking spaces are to be provided in line with Parking Standards. This includes 186 spaces for residents, two for staff and one for customers of the commercial units. Although the schedule confirms a commitment to these cycle parking spaces, no cycle parking spaces have been identified on the site plan, ground floor plan or basement plan. However, 78 storage lockers are identified at basement level. The storage lockers could provide adequate space for cycle storage for future residents of the 78 flats. If permission is granted for this scheme, it is recommended that clarification is provided by the applicant that these storage lockers are meant to satisfy cycle parking requirements. The three detached townhouses will have access to private gardens and these spaces could conceivably be used for bike storage. It remains unclear where staff and customer cycle parking is to be provided, though there is space across the site for this provision.

Edinburgh Street Design Guidance: Factsheet C7 - Cycle Parking outlines that storage lockers are an acceptable for providing long-term resident parking. However, guidance recommends that a mix of cycle parking types should be provided. Guidance recommends that no more than 80% of cycle parking should be provided by any one form of parking type. The guidance also notes that a drawback to storage lockers is the large level of space that is required. The high level of car parking proposed on the site, in tandem with the large amount of space required to provide 78 storage lockers means that the majority of the basement and part of the ground floor is taken up by parking. This limits the potential for ground floor amenity space for future occupiers and as noted above has increased the potential for conflict between pedestrians and road users. A wider mix of cycle parking should be provided across the site to meet Cycle Parking Standards. This should be fully justified in a detailed transport statement.

The guidance outlines that provision should be made for non-standard bikes. It is accepted that storage lockers could provide storage for a range of bike types. Guidance also identifies that short-term visitor cycle parking should also be provided in new developments in addition to secure access restricted long stay cycle parking. Such provision would be appropriate in this instance, given the provision of commercial units, residential units and the LDP requirement for the completion of cycle infrastructure across this site.

As noted above, as the level of flood risk to the proposed development has not been established, discussions have not been undertaken with the applicant on these matters, as it could be necessary for the proposed scheme to be changed.

Ecology

LDP Policy Env 13 (Sites of International Importance) sets out a range of criteria for development which may impact Special Protection Areas.

LDP Policy Env 16 (Species Protection) states that planning permission will not be granted for development that would have an adverse impact on species protected under European or UK law.

The proposal lies within Granton Harbour, adjacent to the Firth of Forth Special Protection Area (SPA), designated for its wintering bird interest, and the Outer Firth of Forth and St Andrews Bay Complex SPA, designated for wintering and breeding waders, wildfowl and seabirds. A Habitats Regulation Appraisal (HRA) is therefore required and has been undertaken by the applicant.

The HRA provided by the applicant sets out that the proposal will not adversely affect the integrity of the site, providing appropriate mitigation is in place. Section 7 of the HRA report identifies potential impact pathways, assesses impacts and outlines mitigation to prevent significant impacts. This includes the development of a Pollution Prevention Plan and Construction Environmental Management Plan. Should the Committee be minded to grant consent these measures should be conditioned. Further measures to promote ecology on site, such as the use of swift bricks could also be conditioned.

The proposal is also close to the Firth of Forth Site of Special Scientific Interest (SSSI). This includes some geological interests within and adjacent to the harbour. However, the proposal is not likely to have any impacts on these interests.

NatureScot assessed the HRA provided as part of application 21/06095/FUL and set out that it agrees with the conclusions of the document and the recommended mitigation measures.

Subject to conditions, the proposal would not conflict with LDP policies Env 13 and Env 16.

Contaminated Land

Policy Env 22 (Pollution and Air, Water and Soil Quality) states planning permission will only be granted for development where there will be no significant adverse effects for health, the environment and amenity and either there will be no significant adverse effects on: air, and soil quality the quality of the water environment; or appropriate mitigation to minimise any adverse effects can be provided.

The proposal includes the infill of an area of the inner harbour to the east of the site using surplus stockpiled material and dredged material as identified in the Phase I Geo-Environmental Risk Assessment prepared by Envirocentre, November 2021.

The Council's Contaminated Land Officer has considered the supporting information provided in detail. The consultation response provided notes some uncertainty in relation to ground water analysis noting that analysis results were not made available for reference. The report provided identifies elevated metallic contaminants in excess of Environmental Quality Standards. The Contaminated Land Officer also noted relative widespread levels of Polycyclic aromatic hydrocarbons in soil samples and one soil sample with potentially mobile chlorinated hydrocarbon solvents.

However, despite some uncertainty linked to the sampling undertaken, no further sampling was requested at this stage of the assessment on the understanding that the proposed land reclamation will be subject to SEPA and Marine Scotland licencing. Environmental Protection noted that a Watching Brief would be required and further conditions relating to remedial and protective measures to be developed in more detail as required.

Subject to conditions the proposals could comply policy Env 22.

Developer Contributions

LDP Policy Del 1 (Developer Contributions and Infrastructure Delivery) states that proposals will be required to contribute to infrastructure provision where relevant and necessary to mitigate any negative additional impact (either on an individual or cumulative basis) and where commensurate to the scale of the proposed development.

Education

Significant plan led housing growth at Granton Waterfront will affect Forthview, Granton and Pirniehall primary schools and their feeder high schools, Broughton and Craigroyston High Schools. A site for a new primary school to serve housing growth in Granton Waterfront was identified in the 2018 Education Appraisal and the 2021 Education Appraisal. A statutory consultation is required to establish a new school, its catchment boundaries, and the high school it is aligned to.

The Education Appraisal (2021) identified a requirement for a new 18-class primary school to serve housing developments affecting Forthview, Granton and Pirniehall primary school's catchment areas.

Assessing the cumulative impact of potential housing developments using the latest Pupil Generation Rates the actions have been revised to a 14-class Primary School (420 capacity) and a one-class extension to Granton Primary School to increase its capacity to 630. Additional denominational and non-denominational secondary school places are also required.

To mitigate the cumulative impact of development that would be anticipated if this proposal and other sites progressed, the proposed development is therefore required to make a contribution towards the delivery of education infrastructure based on a rate of £4,700 per flat and £13,897 per house for Primary School infrastructure and £3,262 per flat and £12,942 per house for Secondary School infrastructure. As a new primary school is required there is also a per unit land contribution requirement of £25 per flat and £75 per house.

Healthcare

The application site is located within the Granton Waterfront Healthcare Contribution Zone. Developer contributions are required to support the delivery of a new medical practice to mitigate impact of new residential development in Granton Waterfront. A contribution of £945 per new dwelling would be required in line with guidance.

Affordable Housing

Policy Hou 6 (Affordable Housing) in the Edinburgh Local Development Plan states that planning permission for residential development, including conversions, consisting of 12 or more units should include provision for affordable housing. 25% of the total number of units proposed should be affordable housing.

The applicant has stated that no affordable housing is required as affordable housing has been provided across the Granton Masterplan (2003) area which includes part of the application site.

However, this application is for detailed planning permission and the proposal must meet the terms of current LDP Policies. The proposal is not covered by the Section 75 agreement linked to application 01/00802/OUT and a new legal agreement would be required for any future development which falls outwith the original outline consent which was extended through application 18/01428/PPP.

In this case the provision of 20 dwellings of an acceptable affordable tenure would be required. As the applicant has indicated that no affordable housing is to be provided the application is contrary to LDP Policy Hou 6 (Affordable Housing).

Archaeology

LDP Policies Policy Env 8 (Protection of Important Remains) and Env 9 (Development of Sites of Archaeological Significance) set out criteria related to the protection of important archaeological remains and sites.

The City Archaeologist was consulted on the proposed scheme. A programme of archaeological works was undertaken in 2008. Although there appears to be limited historical remains intact, the City Archaeologist has advised that a full programme of archaeological works would be required prior to any development that would impact the Western Breakwater directly or any land adjacent.

Subject to condition the proposal could comply with LDP Policies Env 8 and Env 9.

Airport

The proposed development has been examined from an aerodrome safeguarding perspective. Edinburgh Airport has advised that the proposed development could conflict with safeguarding criteria unless any planning permission granted is subject to a condition requiring provision of a Bird Hazard Management Plan.

Waste

Details of waste management and recycling proposals have been provided by the applicant. If planning permission is granted for the proposed scheme, the applicant will be required to agree the details of a waste management strategy with City of Edinburgh Waste Services prior to first occupation of the proposed residential and commercial units.

Conclusion in relation to the Development Plan

The proposal is contrary to LDP Policies Env 21 (Flood Protection), Des 7 (Layout Design), Des 8 (Public Realm and Landscape Design) and Hou 6 (Affordable Housing). Insufficient information has been provided to demonstrate that the buildings and people will be free from flood risk. It has not been possible to conclude if the layout of the proposed scheme is appropriate and whether it fully complies with all LDP Policies.

c) There are any other material considerations which must be addressed?

The following material planning considerations have been identified:

SPP - Sustainable development

Scottish Planning Policy (SPP) is a significant material consideration due to the LDP being over 5 years old. Paragraph 28 of SPP gives a presumption in favour of development which contributes to sustainable development. Paragraph 29 outlines the thirteen principles which should guide the assessment of sustainable development.

Due to the insufficient level of information provided in relation to future flood risk and the risk posed to the development from wave over topping, the proposal is contrary to Env 21 (Flood Protection) and Scottish Planning Policy. As an adequate assessment of baseline flood risk in the present and future has not been provided it is not possible to undertake a robust assessment of the acceptability of the proposed layout and finished floor level of the proposed scheme.

The applicant has not demonstrated that the site will be safe from flood risk in the long-term and has not adequately taken into account future climate change projections.

The proposal does not comply with Paragraph 29 of SPP.

Emerging policy context

The Revised Draft National Planning Framework 4 was laid before the Scottish Parliament on 08 November 2022 for approval. As it has not completed its parliamentary process, only limited weight can be attached to it as a material consideration in the determination of this application.

On 30 November 2022 the Planning Committee approved the Schedule 4 summaries and responses to Representations made, to be submitted with the Proposed City Plan 2030 and its supporting documents for Examination in terms of Section 19 of the Town and Country Planning (Scotland) Act 1997. At this time little weight can be attached to it as a material consideration in the determination of this application.

Equalities and human rights

Due regard has been given to section 149 of the Equalities Act 2010. No impacts have been identified.

Consideration has been given to human rights. No impacts have been identified through the assessment and no comments have been received in relation to human rights.

Public representations

A summary of the representations is provided below:

material considerations

Objection

- Loss of daylight; this is addressed in section (b).
- Impact on listed buildings and archaeological remains; this is addressed in section (a) and (b)

Support

- Introduction of new shops and houses would be positive for the area; this is addressed in section (b).

Neutral

- Proposed development should incorporate the use of swift bricks; this is addressed in section (b)

non-material considerations

- Loss of views from private dwellings; this is not a material planning consideration

Conclusion in relation to identified material considerations

The proposal does not comply with paragraph 29 of Scottish Planning Policy.

There are no material considerations which outweigh the conclusion above.

Overall conclusion

The proposal is acceptable with regard to Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as it will not harm the listed building.

The proposal is contrary to LDP Policies Env 21 (Flood Protection), Des 7 (Layout Design), Des 8 (Public Realm and Landscape Design) and Hou 6 (Affordable Housing). Insufficient information has been provided to demonstrate that the buildings and people will be free from flood risk. It has not been possible to conclude if the layout of the proposed scheme is appropriate and whether it fully complies with all LDP Policies.

On this basis the proposal is unacceptable.

The proposal does not comply with paragraph 29 of Scottish Planning Policy.

There are no material considerations which outweigh the conclusion above.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

Conditions:-

1. The Proposal is contrary to LDP Policy Env 21 (Flood Protection). The site is located within an area identified as at risk of coastal flooding. Insufficient information has been provided to quantify present and future flood risk to the site.
2. The proposal is contrary to LDP Policy Des 7 (Layout Design) and Tra 4 (Design of Off-Street Car and Cycle Parking) as the proposal does not prioritise pedestrian movement and the design of the proposed car parks does not minimise conflict between cars and other users.

3. The proposal is contrary to LDP Des 8 (Public Realm and Landscape Design) as insufficient detail has been provided in relation to proposed planting across the site and whether this is suitable to the climatic conditions. Insufficient detail has been provided in relation to the proposed public square to the south of the site to demonstrate it will contribute positively to the character of the area.
4. The proposal is contrary to LDP Policy Hou 6 (Affordable Housing) as no provision of affordable housing is proposed.

Background Reading/External References

To view details of the application go to the [Planning Portal](#)

Further Information - Local Development Plan

Date Registered: 6 December 2021

Drawing Numbers/Scheme

01, 02, 03B, 04-28, 30, 32, 33

Scheme 3

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Christopher Sillick, Planning Officer
E-mail:christopher.sillick@edinburgh.gov.uk

Summary of Consultation Responses

NAME: Edinburgh Airport Safeguarding

COMMENT: The proposed development has been examined from an aerodrome safeguarding perspective and could conflict with safeguarding criteria unless any planning permission granted is subject to conditions; including the provision of a Bird Hazard Management Plan.

DATE: 31 January 2022

NAME: Transport Planning

COMMENT: No comments provided.

DATE:

NAME: Granton Community Council

COMMENT: No comments provided.

DATE:

NAME: Environmental Protection

COMMENT: In the context of the comments and interpretation of the Phase 1 Geo-Environmental Risk Assessment, Environmental Protection considers conditions should be applied to any planning consent in order to require mitigation of potential risks associated with land contaminants in relation to the development.

DATE: 16 March 2022

NAME: Flood Planning

COMMENT: SEPA have raised additional concerns over the modelling approach in the Flood Risk Assessment. More information is therefore required from the applicant to address the outstanding comments from CEC Flood Planning and SEPA.

DATE: 21 November 2022

NAME: Communities and Families

COMMENT: To mitigate the cumulative impact of development that would be anticipated if this proposal and other sites progressed, the proposed development is therefore required to make a contribution towards the delivery primary school and secondary school infrastructure. This includes a per unit land contribution.

If the appropriate infrastructure and land contribution is provided by the developer, Communities and Families does not object to the application.

DATE: 1 November 2022

NAME: Historic Environment Scotland

COMMENT: We have considered the information received and do not have any comments to make on the proposals. Our decision not to provide comments should not be taken as our support for the proposals.

You should also seek advice from your archaeology and conservation service for matters including unscheduled archaeology and category B and C-listed buildings.

DATE: 9 June 2022

NAME: Affordable Housing

COMMENT: The applicant has stated no affordable is required as the affordable housing requirement for the Granton Harbour Masterplan has been met. However, the S75 legal agreement for the Masterplan has expired, therefore the Affordable Housing Policy now applies, and this requires 25% (20 homes) of the total provision (81 homes) for this applicant site be affordable housing.

DATE: 22 February 2022

NAME: SEPA

COMMENT: The information provided is insufficient to allow a determination of the potential impacts of flood risk. We therefore object on the grounds of flood risk.

Summary position on Granton Harbour

o All evidence submitted to date from the applicant and CEC confirms that the offshore breakwaters (North Mole and Eastern Breakwater) are informal flood defence measures, i.e. their construction and any associated strengthening works were not undertaken as planned measures under relevant Flood Risk Management legislation and are not adopted by the Flood Risk Management Authority (CEC Council) as formal flood defence measures.

o We note that the North Mole had strengthening works undertaken in the period between 2005 and 2009. This evidence further reinforces the reason for SEPA's precautionary approach to only modelling the benefit provided by flood defences which have been brought forward under specific Flood Risk Legislation. Informal flood defences, such as those surrounding the proposed development at Granton Harbour are not owned and maintained by the Flood Risk Management Authority. As they are privately owned, they are at increased risk of not being maintained to the correct standard of protection for the purposes of flood alleviation and are subject to uncertainty with future ownership and degrading standard of protection. We note from the applicant that the intention is to place the ownership responsibility on future occupiers, which is precisely the scenario we wish to avoid as this is unlikely to result in appropriate maintenance in perpetuity of the proposed development. This further justifies the precautionary approach outlined in the SEPA guidance (and SPP) and why informal defences should not be modelled to show the benefit they provide site occupiers who live and work behind such defences.

o The coastal modelling information supplied to date from EnviroCentre underrepresents the coastal flood hazard to the proposed development because:

o The modelling accounts for the benefit provided by the existing offshore informal walls. This is contrary to the position outlined in SEPA Guidance. Such proposals would be considered within the context of the SPP risk framework as if the scheme did not exist. The structural condition and design standard of such schemes are unknown and they therefore pose a significant level of risk to any proposed development behind or benefitting from them".

o The flood risk assessment focusses on risk from wind waves from the north but the development is at risk from severe waves from the east; the eastern breakwater is not a formal defence and with sea level rise, will increasingly leave the development exposed to increasing flood risk.

o The DHI modelling undertaken did include wave overtopping locations, but not specifically for the proposed development and is based on overtopping of a vertical wall and also only for the present day defended scenario (defended by breakwaters).

- o The proposed new structure (wall) has not been tested by overtopping calculations. In any case, waves modelled for the undefended scenario (no eastern breakwater) would be necessary and the overtopping calculated for the new wall.
- o The equation used by EnviroCentre for calculating proposed finished floor level is not really modelling as such and this approach hasn't considered overtopping.
- o The future flood model scenario does not take into account the impacts of sea level rise appropriately

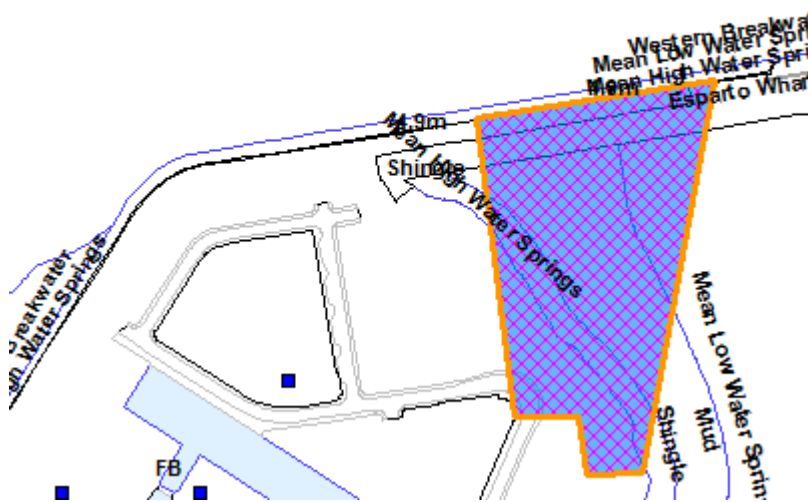
- o Given the lack of information submitted as summarised above, we cannot comment on the acceptability of the proposed finished floor levels, pedestrian or vehicular access/egress provisions and other FRMA measures such as surface water management. Therefore, any information submitted relating to these flood mitigation measures cannot be appropriately verified and we cannot comment on the acceptability of these in relation to SPP and SEPA guidance.

- o What we can comment on is the unacceptability of the proposed 'basement' level of the proposed building at 3.1mAOD which is well below the 1 in 200 year CFB level of 3.97mAOD (without accounting for the impacts of wave overtopping, climate change and freeboard). This clearly demonstrates that the proposal would place new receptors (people and property) in an area at risk of coastal flooding, contrary to the principle of floodplain avoidance outlined in Scottish Planning Policy and contrary to the general duty of responsible authorities to reduce overall flood risk, as stated in the Flood Risk Management (Scotland) Act 2009.

DATE: 2 November 2022

The full consultation response can be viewed on the [Planning & Building Standards Portal](#).

Location Plan



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Development Management Sub-Committee Report

Wednesday 11 January 2023

**Application for Listed Building Consent
Gas Holder North Of, Waterfront Broadway, Edinburgh**

**Proposal: Proposed external illumination of the existing Granton
Gasholder guide frame.**

**Item – Committee Decision
Application Number – 22/05147/LBC
Ward – B04 - Forth**

Reasons for Referral to Committee

The application has been submitted by the Council and is for more than a routine minor development. It is also significant in terms of the wider public interest as it is associated with a significant listed structure in this part of the city.

Recommendation

It is recommended that this application be **Granted** subject to the details below.

Summary

The proposals will not have an adverse impact on the special architectural character or historic interest of the listed structure and are therefore judged to be in accordance with Section 14 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

SECTION A – Application Background

Site Description

The site relates to the category B listed gasholder (LB reference 45793, listed 10/11/1998) and the immediate surrounding land.

The gasholder was designed by WR Herring and was built between 1898 and 1902. It was part of the Granton Gasworks which served the City of Edinburgh and the surrounding district throughout the 20th Century.

The steel frame consists of a series of double lattice columns positioned equidistantly around its perimeter, with curved lattice box girders spanning between the columns to complete the circular configurations at four levels. Lateral stability is provided by two planes of diagonal cross bracing between the lattice columns, over the full height of each bay. The entire holder frame is founded on the circular perimeter wall of the substantial brick and concrete tank recessed into the ground. It is approximately 76 metres wide and 46m tall above ground level. Much of the frame is now in poor condition.

The land around the gasholder that forms the application site is vacant scrubland. The northern edge is defined by an existing stone wall, which runs east/west and will be retained as part of the initial works to the gasholder and associated public realm. There is a significant level change from the gasholder 'plateau' down to the wall.

To the north are various industrial uses which sit at a much lower level to the site. To the northeast is the Social Bite village which supports people affected by homelessness. Vacant land is to the east, south and west of the site. Further to the southwest is the Forthquarter Park and to the southeast is the Scottish Gas office building. The wider area is one of ongoing development and regeneration.

Access to the site is currently from the junction of Waterfront Broadway and Caroline Park Avenue.

The site is located within the Urban Area as shown on the Local Development Plan proposals map. The land is identified as being within Edinburgh Waterfront. Proposal EW 2a (Forthquarter) states that the area is for a housing-led mixed-use development. It sets out a number of Development Principles for the area.

Description of the Proposal

Proposed external illumination of the existing Granton Gasholder guide frame.

The proposal shows the provision of permanent architectural lighting involving the installation of 26 pairs of LED, 'up' and 'down' lighting units, which are to be attached to the gas holder guide frame. These will replace the existing temporary gasholder flood lighting.

Each of the lighting units are positioned six metres above ground level and attached to the outer segments of the guide frame linked to a couple of small junction boxes. The lighting units measure 239mm in diameter and sit on a bracket with a total height of the unit being 328mm and 156mm deep.

The manufacturers specification states that the proposed lighting would have a luminaire input power of 32 W; a luminaire luminous flux of 1641 lm; and luminaire efficacy of 51 lm/W.

In addition, the interior and exterior spaces are to be lit with six-metre-high lamp columns. These columns are positioned along the entrance route from the south-east, around the ring walk and on the paths which would provide access off the ring walk into the central greenspace.

All these lighting units would be served by an electrical conduit loop operated through a pair of lighting control boxes, which would be positioned within the base of the guide frame. There is an existing small electrical distribution pillar located near the main entrance/walkway of the site, which incorporates an electrical utility cable head.

This application proposes to install an additional distribution board pillar with switchgear boxes to provide the electrical supply to the proposed lighting via underground ducting.

Supporting Information

- Supporting Covering Letter
- Technical Lighting Specifications

These are available to view on the Planning and Building Standards Online Services.

Relevant Site History

20/05702/CLP
Gas Holder North Of
Waterfront Broadway
Edinburgh

The gas holder will be illuminated using LED lights mounted on 26 small concrete plinths (800mm x 400mm x 500mm (height)) around the outside of the structure, within the existing security fencing. No fixings or equipment will be attached to the structure. A control container unit will be placed within the security fencing. The works will be for a temporary period of two years.

Granted
8 February 2021

22/01327/LBC
Gas Holder North Of
Waterfront Broadway
Edinburgh

To repair and refurbish the existing Granton Gas Holder Category B Listed Guide Frame.

Granted
26 August 2022

22/05318/FUL
Gas Holder North Of
Waterfront Broadway
Edinburgh

Public realm improvements to the site surrounding the Gas Holder. The design proposals for the public realm element have been set out to create a multi-functional public space, which aims to respect and complement the existing Listed-B Gas Holder frame, whilst remaining flexible to future change and uses.

Other Relevant Site History

Planning Committee approved the Granton Waterfront Development Framework as non-statutory planning guidance to guide development, service delivery and investment decisions for the regeneration of Granton Waterfront.
29 February 2020

Pre-Application process

There is no pre-application process history.

Consultation Engagement

Archaeology Officer

Historic Environment Scotland

BAA Aerodrome Safeguarding

Refer to Appendix 1 for a summary of the consultation response.

Publicity and Public Engagement

Date of Neighbour Notification: Not Applicable

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): 4 November 2022.

Site Notices Date(s): 1 November 2022.

Number of Contributors: 0

Section B - Assessment

Determining Issues

This application for listed building consent is required to be assessed against Section 14 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (the "1997 Heritage Act"):

- Having due regard to HES Policy and guidance, do the proposals harm a listed building or its setting?
- If the proposals do comply with HES Policy and guidance, are there any compelling reasons (including but not limited to the public sector equality duty) for not approving them?
- If the proposals do not comply with HES Policy and guidance, are there any compelling reasons (including but not limited to the public sector equality duty) for approving them?

Assessment

To address these determining issues, it needs to be considered whether:

a) **The proposals harm the listed building or its setting.**

The following Historic Environment Scotland (HES) guidance is relevant in the determination of this application:

- Managing Change in the Historic Environment: Engineering Structures
- Managing Change in the Historic Environment: External Fixtures

HES's guidance on Managing Change in the Historic Environment: Engineering Structures set out the principles that apply and how they should inform planning policies. The guidance states that work to historic engineering structures must be based on a thorough understanding of their design, construction, and use of materials.

Managing Change in the Historic Environment: External Fixtures provides guidance on new external fixtures including siting them to maintain the special architectural or historic interest, integrity, and fabric of the building.

The guidance notes that new external fixtures must be sited to minimise impact on the architectural integrity and fabric of the building, and they should be discreetly located without damaging any architectural feature.

The lights to be fitted onto the gasholder will be located at six metres above the ground level and are of a relatively modest scale. The location of the lights and the cabling has been located to run around the existing lattice structure. The industrial nature of the gasholder structure means that the lights and associated paraphernalia will not appear out of place leaving the integrity of the gasholder intact with minimum impact on the historic asset.

Furthermore, the Managing Change guidance notes that the innovative and imaginative use of lighting can be an important component in enhancing the distinctiveness and character of a building. The lighting, as demonstrated within previous lighting schemes on the gasholder, will enhance the structure. This point is picked up by the Archaeology Officer who is supportive of the proposal as it will help showcase the gasholder.

The other lighting and associated items proposed within and around the gasholder will not detrimentally impact on its setting.

Historic Environment Scotland do not object to the proposal noting that the installation of the lighting will have minimal physical impacts. HES is supportive of the proposal as part of the wider project of refurbishment and public realm improvements.

Conclusion in relation to the listed building

The proposals will not adversely impact on the special architectural character or historic interest of the listed structure and are therefore judged to be in accordance be in accordance with Section 14 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

b) There are any other matters to consider.

The following matters have been identified for consideration:

Airport Safeguarding

The Edinburgh Airport Safeguarding Team do not object to the proposal.

Equalities and human rights

Due regard has been given to section 149 of the Equalities Act 2010. No impacts have been identified.

Consideration has been given to human rights. No impacts have been identified through the assessment and no comments have been received in relation to human rights.

Public representations

No representations have been received.

Conclusion in relation to other matters considered

The proposals are in compliance with the other material considerations that have been identified above.

Overall conclusion

The proposals will not have an adverse impact on the special architectural character or historic interest of the listed structure and are therefore judged to be in accordance with Section 14 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following.

Informatives

It should be noted that:

1. The works hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.

Background Reading/External References

To view details of the application go to the [Planning Portal](#)

Further Information - Local Development Plan

Date Registered: 31 October 2022

Drawing Numbers/Scheme

01-05

Scheme 1

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Kenneth Bowes, Senior Planning officer
E-mail: kenneth.bowes@edinburgh.gov.uk

Appendix 1

Summary of Consultation Responses

NAME: Archaeology Officer

COMMENT: The aim should be to preserve archaeological remains in situ as a first option, but under LDP Policy Env 9 also to promote and interpret our archaeological and historic environment. To this end we support the proposed scheme which will achieve this object by showcasing this nationally significant monument.

DATE: 17 November 2022

NAME: Historic Environment Scotland

COMMENT: Satisfied the proposed lighting to be installed on the guidframe will have minimal physical impacts.

DATE: 11 November 2022

NAME: BAA Aerodrome Safeguarding

COMMENT: No objection. The proposed development does not conflict with safeguarding criteria.

DATE: 8 November 2022

The full consultation response can be viewed on the [Planning & Building Standards Portal](#).

Location Plan



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Development Management Sub-Committee Report

Wednesday 11 January 2023

**Application for Planning Permission
Harlaw Reservoir, Harlaw Road, Balerno.**

Proposal: To provide toilet facilities and create a seasonal (between March & October) eco-campsite at Harlaw Reservoir.

**Item – Committee Decision
Application Number – 20/05112/FUL
Ward – B02 - Pentland Hills**

Reasons for Referral to Committee

The application has been referred to the Development Management Sub-Committee because the Council is the applicant, and the works are more than minor routine operations. Consequently, under the Council's Scheme of Delegation, the application must be determined by the Development Management Sub-Committee.

Recommendation

It is recommended that this application be **Granted** subject to the details below.

Summary

The proposal complies with the development plan. The principle of the development in this location is acceptable. There will be no adverse impact on the character and setting of the Regional Park, the Special Landscape Area or the natural environment and countryside. There are no amenity, archaeological or transport issues. There are no material considerations that outweigh this conclusion. It is recommended the application be granted.

SECTION A – Application Background

Site Description

The application site relates to the east banks of the Harlaw Reservoir located to the south of Balerno. Trees forming a woodland line the sandy shore and are Ancient Woodland Inventory trees. There are formal and informal paths through the site. Harlaw House Visitor Centre is located to the north of the site and there is a public car park further northwards.

The application site is in Pentlands Hills Regional Park, is a Special Landscape Area and is a Local Nature Conservation Site.

The surrounding area is countryside with most of it being farmland.

Description of the Proposal

Planning permission is sought for the establishment of an eco-campsite and a stand-alone zero discharge toilet facility. Ten camping pitches are proposed along the eastern bank of Harlaw Reservoir. They will be scattered along grass openings between the shoreline and the trees, using existing clearings and existing ground coverings. The toilet building will be located in the northern part of the application site. It will be 1.9 metres square and between 2.04-2.24 high with a single pitched gently sloping roof and timber clad.

Scheme 2

Proposed number and location of tent pitches clarified.

Supporting Information

- Tree Survey Report & Tree Impact Assessment
- Ecological Assessment
- Landscape & Visual Appraisal
- Camp Sites Map 1, Map 2 & Map 3
- Toilet Details
- Public Consultation Report - Access and Camping in the Pentlands Hills Regional Park

Relevant Site History

12/00001/FUL
Harlaw Reservoir
Harlaw Road
Balerno

The reuse, reconstruction and operation of Micro-Hydro Power Generation facilities.
Granted
25 October 2012

12/00001/VARY
Harlaw Reservoir
Harlaw Road
Balerno

Non material variation to vary the location and elevations of the turbine house (12/00001/FUL).
VARIED
25 June 2014

Other Relevant Site History

20/05137/FUL - Permitted Development to create up to 34 new parking spaces and install two zero discharge toilets (Decision issued 23 February 2022).

Pre-Application process

Pre-application discussions took place on this application.

Consultation Engagement

Archaeology

Roads Authority (Transport)

Environmental Protection

Refer to Appendix 1 for a summary of the consultation response.

Publicity and Public Engagement

Date of Neighbour Notification: 25 November 2020

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): Not Applicable;

Site Notices Date(s): Not Applicable;

Number of Contributors: 2

Section B - Assessment

Determining Issues

Section 25 of the Town and Country Planning (Scotland) Act 1997 states - Where, in making any determination under the Planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise.

Do the proposals comply with the development plan?

If the proposals do comply with the development plan, are there any compelling reasons for not approving them?

If the proposals do not comply with the development plan, are there any compelling reasons for approving them?

Assessment

To address these determining issues, it needs to be considered whether:

a) The proposals comply with the development plan?

The Development Plan comprises the Strategic and Local Development Plans. The relevant Edinburgh Local Development Plan 2016 (LDP) policies to be considered are:

- LDP Environment policies Env 8, Env 9, Env 10, Env 11, Env 12, Env 15, Env 16 and Env 17.
- LDP Design policies Des 1, Des 3, Des 4, Des 6, Des 10
- LDP Transport policies Tra 2, Tra 3

The non-statutory Development in the Countryside and Green Belt Guidance is a material consideration that is relevant when considering policy Env 10. The non-statutory Edinburgh Design Guidance is a material consideration that is relevant when considering the design and transport policies.

Principle of Development

Local Development Plan policy Env 10 (Development in the Green Belt and Countryside) sets out the criteria for development which will be permitted within the Green Belt and Countryside and would not detract from the landscape quality and/or rural character of the area. Criterion a) relates to countryside recreation and scale and quality of design of associated buildings, structures or hardstanding.

The proposal is for a recreational use in a regional park used for recreational purposes. Each tent pitch will sit between the trees and shoreline where the trees are not so dense on existing grass or scrub clearance areas. The toilet building will sit near the existing path along the eastern edge of the site and between trees. The tent pitches and toilet block will sit comfortably within the woodland and will not detract from the woodland or rural character of the area. The use and scale of development is compatible with LDP policy Env 10. The proposal complies with criterion a) of Env 10.

LDP Policy Env 11 (Special Landscape Area) states that planning permission will not be granted for development which would have a significant adverse impact on the special character or qualities of the Special Landscape Areas on the Proposals Map.

The proposed tent pitches will be intermingled with the existing trees and grass areas. Generally, as tents are small scale and low level temporary structures and as they will not be clustered closely together, they will not detract from the special character or qualities of the Special Landscape Area (SLA). Due to the small scale of proposed development, neither the tent pitches nor the toilet block will be dominant in the landscape. The application site is a small area of the SLA and, as such, the rural character of reservoir together with the shore and woodland will be retained. The proposal complies with Env 11.

LDP Policy Env 17 (Pentland Hills Regional Park) states that development which supports the aims of the Pentland Hills Regional Park will be permitted provided it has no unacceptable impact on the character and landscape quality of the Park.

The aims of the Pentland Hills Regional Park are:

- to retain the essential character of the hills as a place for the peaceful enjoyment of the countryside;
- caring for the hills so that the landscape and the habitat is protected and enhanced;
- within this caring framework to encourage responsible public enjoyment of the hills;
- co-ordination of these aims so that they co-exist with farming and other land uses within the Pentland Hills Regional Park.

Camping currently takes place informally on the application site and the proposal is to formalise this situation and manage any impact on the trees, Park and landscape.

Using the site and providing additional facilities for recreational purposes supports the aim of the Pentland Hills Regional Park. The proposal will enable the peaceful enjoyment of the Park and the countryside. Formalising the number and location of the tent pitches will allow any impact on the landscape and habitat to be managed. By providing an eco-toilet facility, this will also encourage responsible use of the Park. There will be no change to the relationship of the application site with the other nearby countryside uses, such as farming and angling. The proposal complies with LDP policy Env 17.

The proposal complies with LDP policies Env 10, Env 11 and Env 17 and is acceptable.

Natural Environment

Trees

LDP Policy Env 12 (Trees) states that development should not damage trees protected by a Tree Preservation Order or any other tree worthy of retention.

The woodland is an important feature contributing to the setting of the reservoir and of the wider Pentland Hills Regional Park and the Special Landscape Area. The Regional Park Authority manages the woodland.

In terms of the impact on the existing trees, the bases of each camp pitch will use the existing ground conditions and, therefore, there will be no adverse impact on the roots of the trees. As tents are low level structures, there will be no impact on the canopies of the existing trees. The Pentland Hills Regional Park authority will manage the camping site and should any impact to trees occur, the park authority would be able to carry out mitigation works, should they be required.

LDP Des 3 (Development Design - Incorporating and Enhancing Existing and Potential Features) states that planning permission will be granted for development where it can be demonstrated that existing characteristics and features worthy of retention on the site and in the surrounding area, have been identified, incorporated and enhanced through design.

The woodland will be retained and the trees, as a feature of the application site, have been incorporated into the design. Each tent pitch has been positioned in such a way as to avoid detrimental impact or damage to the existing trees. The Regional Park Authority will be able to manage the trees and replant if necessary, as part of its Park responsibilities.

Local Conservation Site

Policy Env 15 (Sites of Local Importance) states development likely to have an adverse impact on the flora, fauna, landscape or geological features of a Local Nature Reserve or a Local Nature Conservation Site will not be permitted unless it can be demonstrated that: a) the reasons for allowing the development are sufficient to outweigh the nature conservation interest of the site b) the adverse consequences of allowing the development for the value of the site have been minimised and mitigated in an acceptable manner.

The site forms part of Threipmuir and Harlaw Local Diversity Site. There are a number of notable plant species including nationally notable mosses. The proposed development will have a neutral effect on the plant and mosses, as existing grass and clearance areas are proposed to be used for the tent pitches.

The important factor in landscape visual terms is how the area is maintained in the future to ensure continuous vegetation cover. It would be beneficial to have planting to include a wider selection of plant species suitable for the upland location whilst retaining evergreen species to provide cover during the winter months to give greater resilience to tree and vegetation cover. Given that the Park Authority manages the application site including vegetation and landscaping and will manage the campsite as part of its responsibilities, it is not appropriate to recommend that conditions relating to a landscape plan and a landscape management plan be used, should planning permission be granted.

Species

Policy Env 16 (Species Protection) states that planning permission will not be granted for development that would have an adverse impact on species protected under European or UK law, unless: a) there is an overriding public need for the development and it is demonstrated that there is no alternative; b) a full survey has been carried out of the current status of the species and its use of the site; c) there would be no detriment to the maintenance of the species at "favourable conservation status"; and d) suitable mitigation is proposed.

It is not expected that the proposal will have a detrimental impact on existing protective species, given that camping already takes place on the site. disturbed. However, there may be some impact during the construction and informatives are recommended relating to birds, badgers, otters, bats and other protected species.

The proposal complies with LDP policies Env 12, Des 3, Env 15 and Env 16.

Scale, form and design

LDP Policies Des 1 (Design Quality and Context) and Des 4 (Development Design - Impact on Setting) require development proposals to create or contribute towards a sense of place and have a positive impact on its surroundings. The design should draw upon the positive characteristics of the surrounding area. It should have regard to its height and form, scale and proportions, including features on the site.

LDP Policy Des 10 (Waterside Development) states that planning permission will only be granted for development on sites on the coastal edge or adjoining a watercourse where the proposals: a) provides an attractive frontage to the water in question; b) where appropriate, maintains, provides or improves public access to and along the water's edge; c) maintains and enhances the water environment, its nature conservation or landscape interest including its margins and river valleys; and d) if appropriate promotes recreational use of the water.

LDP policy Des 6 (Sustainable Buildings) sets out the criteria for sustainable buildings.

Creating a campsite will contribute to a sense of place within the Pentland Hills Regional Park. The small scale of the campsite and the sensitive positioning of each pitch take account of and respect the reservoir's waterside edge and shoreline features of the site. The proposal will promote recreational use of the site and maintain access to the water's edge and access to the water environment. Formalising camping on the site will enable the use to be managed and its impact on the landscaping and nature conservation to be managed.

The proposed toilet is of a sustainable design as it will promote water conservation.

The proposal complies with LDP policies Des 1, Des 4, Des 6 and Des 10.

Archaeology

The City Archaeologist has advised that although occurring within an area of archaeological potential, given the limited scale of the works, it has been concluded that there in this instance there are no, known, archaeological implications.

The proposal complies with LDP policies Env 8 and Env 9.

Amenity

Neighbouring Amenity

Local Development Plan (LDP) Policy Des 5 (Development Design - Amenity) aims to protect the amenity of neighbouring development and not adversely affect amenity.

There are no immediate neighbours and, therefore, there will be no impact on daylighting, overshadowing, privacy or overlooking of neighbouring properties. Given the distance from neighbouring properties and that the application seeks to formalise an existing situation, there will be a neutral impact in terms of noise disturbance.

The proposal complies with LDP policy Des 5.

Amenity of campers

There are no LDP policies relating to the amenity of future campers or users. Water and toilet facilities will be available on the site. Environmental Protection has advised that it has no objections to the proposal. There will be two composting toilets which are designed to be emptied by tanker and will not discharge into the surrounding soil. Water for handwashing and washing up will be available however the water is not suitable for drinking and campers would require bringing their own supply of potable water. It is recommended that an informative is attached to bring the applicant's attention to this matter.

The proposal complies with LDP policy Des 5.

Transport

The Roads Authority has advised that it has no objections to the application subject to a condition or informative, as appropriate, regarding the existing path on the east of the site.

Zero parking is proposed. The existing car park serving the Harlaw area of the Pentland Hills Regional Park is to be expanded (application number 20/05137/FUL) and will provide parking for vehicles associated with the proposed camping site. Opportunities for informal cycle parking are currently available and this arrangement will continue with the camping site proposal, should it be granted planning permission.

The proposal complies with LDP policies Tra 2 and Tra 3.

Conclusion in relation to the Development Plan

The proposal complies with the development plan. The principle of the development in this location is acceptable. There will be no adverse impact on the character and setting of the Regional Park, the Special Landscape Area or the natural environment and countryside. There are no amenity, archaeological or transport issues.

b) There are any other material considerations which must be addressed?

The following material planning considerations have been identified:

SPP - Sustainable development

Scottish Planning Policy (SPP) is a significant material consideration due to the LDP being over 5 years old. Paragraph 28 of SPP gives a presumption in favour of development which contributes to sustainable development. Paragraph 29 outlines the thirteen principles which should guide the assessment of sustainable development.

The proposal complies with Paragraph 29 of SPP. The proposal will protect, enhance and promote access to natural heritage, including green infrastructure, landscape and the wider environment.

Emerging policy context

The Revised Draft National Planning Framework 4 was laid before the Scottish Parliament on 08 November 2022 for approval. As it has not completed its parliamentary process, only limited weight can be attached to it as a material consideration in the determination of this application.

On 30 November 2022 the Planning Committee approved the Schedule 4 summaries and responses to Representations made, to be submitted with the Proposed City Plan 2030 and its supporting documents for Examination in terms of Section 19 of the Town and Country Planning (Scotland) Act 1997. At this time little weight can be attached to it as a material consideration in the determination of this application.

Equalities and human rights

Due regard has been given to section 149 of the Equalities Act 2010. No impacts have been identified.

Public Comments have raised the impact of the proposal on anglers. Although anglers are not a protected in terms of the Equalities Act, anglers could be people who have protected characteristics. The proposal is formalising camping which currently takes place on the application site and does not propose any changes to access to the waterside or reservoir for anglers.

Consideration has been given to human rights. No impacts have been identified through the assessment and no comments have been received in relation to human rights.

Public representations

A summary of the representations is provided below:

material considerations

- disadvantages/adverse impact on anglers. Addressed in section b).

non-material considerations

- management of camp site - designated area only; warden on duty (24x7); rules - need defined & regulated; day tents - control
- suggested alternative location
- future increase in camp site
- increased water activity
- consultation period - withdraw until consultation outcome presented and agreed at an Executive Committee, lack of transparency and speed of submission of planning application
- democratic engagement with communities along Water of Leith
- parking charges

Conclusion in relation to identified material considerations

There are no material considerations that indicate the application should be refused. The material considerations support the presumption to grant planning permission.

Overall conclusion

The proposal complies with the development plan. The principle of the development in this location is acceptable. There will be no adverse impact on the character and setting of the Regional Park, the Special Landscape Area or the natural environment and countryside. There are no amenity, archaeological or transport issues. There are no material considerations that outweigh this conclusion. It is recommended the application be granted.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;-

Conditions:-

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted. If development has not begun at the expiration of this period, the planning permission lapses.

Reasons: -

1. To accord with Section 58 of the Town and Country Planning (Scotland) Act 1997.

Informatives:-

It should be noted that:

1. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.
2. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.
3. The applicant will be required to ensure that proposed camping site does not compromise existing path on east side of the site.
4. Prior to locating the camping areas, a survey for Breeding Birds should be undertaken by a suitably qualified ecologist outside of the nesting bird season (March - August). If this is not possible, a nesting bird check should be undertaken by an ecologist prior to works commencing on site.

5. There should be a pre-works survey prior to commencement of works carried out in accordance with 'Surveying for Badgers: Good Practice Guidelines V1,' Scottish Badgers (2018)
https://www.scottishbadgers.org.uk/userfiles/file/planning_guidelines/Surveying-for-Badgers-Good-Practice-Guidelines_V1.pdf prior to the commencement of development, using a suitably qualified individual, the applicant confirms the presence/absence of any badger setts within 30 metres of the development. If badgers are present then the applicant should, as necessary, provide details of any licence requirements.
6. Compliance with BS42020 Biodiversity - Code of Practice for Planning and Development - is required. Special cognisance should be given to Protected Species.
7. N.B. The water is not suitable for drinking and campers would require to bring their own supply of potable water.

Background Reading/External References

To view details of the application go to the [Planning Portal](#)

Further Information - Local Development Plan

Date Registered: 20 November 2020

Drawing Numbers/Scheme

01-02, 03A, 04A, 05-06.

Scheme 2

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Jackie McInnes, Planning officer
E-mail: jackie.mcinnnes@edinburgh.gov.uk

Appendix 1

Summary of Consultation Responses

NAME: Archaeology

COMMENT: No known archaeological implications.

DATE: 10 December 2020

NAME: Roads Authority (Transport)

COMMENT: No objections to the application subject to the following being included as conditions or informatives as appropriate:

1. The applicant will be required to ensure that proposed camping site does not compromise existing path on east side of the site.

DATE: 4 February 2021

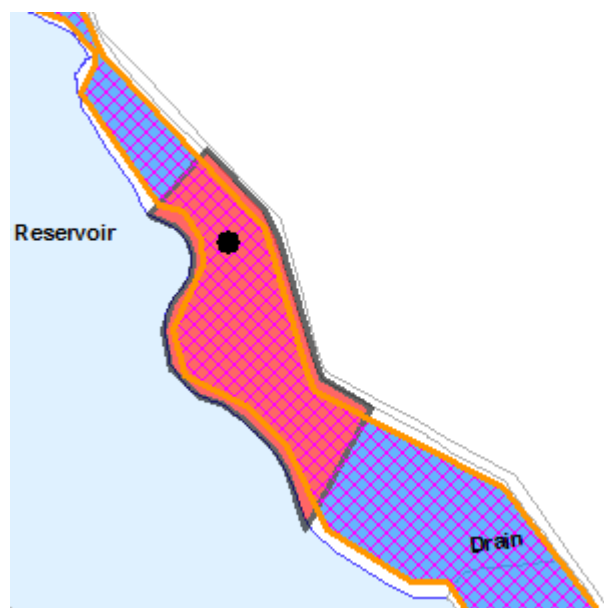
NAME: Environmental Protection

COMMENT: Environmental Protection has no objections to the proposed development.

DATE: 4 August 2022

The full consultation response can be viewed on the [Planning & Building Standards Portal](#).

Location Plan



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Development Management Sub-Committee Report

Wednesday 11 January 2023

**Application for Planning Permission
272 Portobello High Street, Edinburgh, EH15 2AT**

**Proposal: Alter hours of operation approved in planning permission
21/00108/FUL from 8am-10pm to 8am-12am 7 days a week.**

**Item – Committee Decision
Application Number – 22/04208/FUL
Ward – B17 - Portobello/Craigmillar**

Reasons for Referral to Committee

The application has been referred to Development Management Sub Committee because four objections and 65 letters of support have been received. Consequently, under the Council's Scheme of Delegation the application must be determined by the Development Sub-Committee.

Recommendation

It is recommended that this application be **Refused** subject to the details below.

Summary

The proposal is acceptable with regards to Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. However, it would have an adverse impact on the amenity of neighbouring residents, contrary to the relevant policy contained within the Edinburgh Local Development Plan. There are no other material considerations which would outweigh this conclusion.

SECTION A – Application Background

Site Description

The application relates to the ground floor of a two-storey building from the later 19th century. The unit is in use as a café (class 3). The property is located on Portobello High Street, a busy thoroughfare within a commercial centre.

It is a category C listed building, listed on 04.07.1985, LB ref. 27495.

The site lies within the Portobello Conservation Area.

Description of the Proposal

This is an application under Section 42 of the Town and Country Planning (Scotland) Act 1997 to modify hours of operation approved in planning permission 21/00108/FUL from 8am-10pm to 8am-12am 7 days a week.

Supporting Information

Planning Statement

Relevant Site History

21/00108/FUL

272 Portobello High Street

Edinburgh

EH15 2AT

S42 application to vary condition of original consent (336/87) approved 1988 to alter hours of operation of restaurant from 8am - 8pm for 7 days to 8am - 10pm for 7 days.

Granted

10 March 2021

Other Relevant Site History

No other relevant site history.

Pre-Application process

There is no pre-application process history.

Consultation Engagement

Environmental Protection

Refer to Appendix 1 for a summary of the consultation response.

Publicity and Public Engagement

Date of Neighbour Notification: 15 September 2022

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): 23 September 2022; 9 September 2022.

Site Notices Date(s): Not Applicable; 6 September 2022.

Number of Contributors: 69

Section B - Assessment

Determining Issues

Due to the proposals relating to a listed building(s) and being within a conservation area, this report will first consider the proposals in terms of Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (the "1997 Heritage Act"):

- a) Is there a strong presumption against granting planning permission due to the proposals:
- (i) harming the listed building or its setting? or
 - (ii) conflicting with the objective of preserving or enhancing the character or appearance of the conservation area?
- b) If the strong presumption against granting planning permission is engaged, are there any significant public interest advantages of the development which can only be delivered at the scheme's proposed location that are sufficient to outweigh it?

This report will then consider the proposed development under Sections 25 and 37 of the Town and Country Planning (Scotland) Act 1997 (the 1997 Act):

If the proposal is in accordance with the development plan the determination should be to grant planning permission unless material considerations indicate otherwise?

If the proposal is not in accordance with the development plan the determination should be refuse planning permission unless material considerations indicate otherwise?

In the assessment of material considerations this report will consider:

- the Scottish Planning Policy presumption in favour of sustainable development, which is a significant material consideration due to the development plan being over 5 years old.
- equalities and human rights.
- public representations; and
- any other identified material considerations.

Assessment

To address these determining issues, it needs to be considered whether:

a) The proposals harm the listed building and its setting.

The following HES guidance is relevant in the determination of this application:

- Managing Change Use and Adaptation of Listed Buildings

There are no structural alterations proposed so the proposal will have a neutral impact on the listed building.

Conclusion in relation to the listed building

The proposal is acceptable with regard to Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

b) The proposals harm the character or appearance of the conservation area.

The site lies within Portobello Conservation Area.

Portobello Conservation Area Character Appraisal emphasises the village/small town character of the area, the importance of the long sea-front promenade, the high-quality architecture, and the predominant use of traditional building materials.

There are no physical alterations proposed to the building so the special character and appearance of the conservation area will be retained.

Conclusion in relation to the conservation area

The proposal is acceptable with regard to Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

c) The proposals comply with the development plan.

The development plan comprises the Strategic and Local Development Plans. The relevant Edinburgh Local Development Plan 2016 (LDP) policies to be considered are:

- LDP Environment policies Env 4 and Env 6
- LDP Housing policy Hou 7

The non-statutory Business Guidance is a material consideration that is relevant when considering policy Hou 7.

The non-statutory 'Listed Buildings and Conservation Area' guidance is a material consideration that is relevant when considering policies Env 4 and Env 6.

Listed Building and Conservation Area

This is assessed in sections a) and b) above and the proposal complies with LDP Policies Env 4 and Env 6.

Residential Amenity

LDP Policy Hou 7 relates to inappropriate uses in residential areas; it states that developments, including a change of use, which would have a materially detrimental effect on the living conditions of nearby residents, will not be permitted.

At present, the premises are permitted to open until 10pm, seven days a week. The current operations create employment opportunities and support the local economy and the community.

There are a significant number of residential properties adjoining and adjacent to the premises, including a flat directly above.

Portobello High Street is a main thoroughfare, where ambient noise is influenced by a relatively high level of vehicular and pedestrian traffic. Whilst daytime noise levels are high, and noise from individuals or businesses can be obscured or concealed, the background road and street noise drop in the evening and night-time hours. This reduction in noise levels becomes more pronounced as it gets later into the evening.

Whilst there are some late-night operations, by increasing the hours of operation to midnight, when ambient noise levels are low, the proposal would have the potential to introduce relatively high levels of audible disruption, with patrons leaving the premises and exiting onto the pavement, in close proximity to residential properties. This change in hours would have the potential to impact considerably on the amenity of nearby residents. The majority of the properties within this part of Portobello High Street close significantly earlier than this unit.

Environmental Protection does not support the increase in opening hours, as this is likely to cause increased disturbance to neighbours and reduce residential amenity.

The noise and disruption caused by the extension of the hours of operation would adversely affect the living conditions of nearby residents. The proposal does not comply with LDP Policy Hou 7.

Road Safety and Car Parking

There is unrestricted on-street parking on this part of Portobello High Street. The street is served by public transport and on-street parking is available in the neighbouring streets. There are no concerns in relation to road safety.

Conclusion in relation to the Development Plan

The proposal does not comply with LDP Policy Hou 7 as the proposal is likely to lead to a significant increase in noise and disturbance to the detriment of living conditions for nearby residents.

d) There are any other material considerations which must be addressed?

The following material planning considerations have been identified:

SPP - Sustainable development

Scottish Planning Policy (SPP) is a significant material consideration due to the LDP being over 5 years old. Paragraph 28 of SPP gives a presumption in favour of development which contributes to sustainable development. Paragraph 29 outlines the thirteen principles which should guide the assessment of sustainable development.

Emerging policy context

The Revised Draft National Planning Framework 4 was laid before the Scottish Parliament on 08 November 2022 for approval. As it has not completed its parliamentary process, only limited weight can be attached to it as a material consideration in the determination of this application.

On 30 November 2022 the Planning Committee approved the Schedule 4 summaries and responses to Representations made, to be submitted with the Proposed City plan 2030 and its supporting documents for Examination in terms of Section 19 of the Town and Country Planning (Scotland) Act 1997. At this time little weight can be attached to it as a material consideration in the determination of this application.

Equalities and human rights

Due regard has been given to section 149 of the Equalities Act 2010. No impacts have been identified.

Consideration has been given to human rights. No impacts have been identified through the assessment and no comments have been received in relation to human rights.

Public representations

A summary of the representations is provided below:

There are 69 contributors of these 65 were supporting and 4 objecting to the proposals. It should also be noted that 32 letters of support do not include any considerations and one of which does not have a valid postal address.

material considerations - objections

- increase noise and disturbance - this is addressed in section c)
- increased sound - this is addressed in section c)
- increased odour - this is addressed in section c)

material considerations - support

- improve economic development by providing employment - this is addressed in section c)
- existing hours appear short - this is addressed in section c)
- same hours as other existing businesses - this is addressed in section c)
- good addition to community -this is addressed in section c)
- would allow more time to enjoy food - this is addressed in section c)
- bolster local economy - this is addressed in section c)
- great addition to thriving community - this addressed in section c)

non-material considerations

- uses local suppliers
- good food, wonderful restaurant
- welcoming and inclusive

Conclusion in relation to identified material considerations

There are no other issues raised in the material considerations.

Overall conclusion

The proposal is acceptable with regards to Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. However, it would have an adverse impact on the amenity of neighbouring residents, contrary to LDP Policy Hou 7. There are no other material considerations which would outweigh this conclusion.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following.

Reason for Refusal: -

1. The proposal is contrary to the Local Development Plan Policy Hou 7 in respect of Inappropriate Uses in Residential Areas, as it would have a materially detrimental effect on the living conditions of nearby residents.

Background Reading/External References

To view details of the application go to the [Planning Portal](#)

Further Information - Local Development Plan

Date Registered: 22 August 2022

Drawing Numbers/Scheme

1,2

Scheme 1

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Jennifer Zochowska, Senior Planning Officer
E-mail: jennifer.zochowska@edinburgh.gov.uk

Summary of Consultation Responses

NAME: Environmental Protection

COMMENT: Environmental Protection raises significant concerns regarding the proposal and is not in a position to support the application until further information is provided by the applicant which confirms that residential amenity will not be affected by the application and the associated premises' operations.

DATE: 3 October 2022

The full consultation response can be viewed on the [Planning & Building Standards Portal](#).

Location Plan



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Development Management Sub-Committee Report

Wednesday 11 January 2023

**Application for Planning Permission
54 Rosslyn Crescent, Edinburgh, EH6 5AX**

Proposal: Proposed conversion of bowling club and bowling green to residential dwelling and garden.

**Item – Committee Decision
Application Number – 22/00745/FUL
Ward – B12 - Leith Walk**

Reasons for Referral to Committee

In accordance with the statutory scheme of delegation, the application has been referred for determination by the Development Management Sub-committee as it has received more than six material representations in objection and the recommendation is to approve planning permission.

Recommendation

It is recommended that this application be **Granted** subject to the details below.

Summary

The proposal is acceptable with regard to Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as it will preserve or enhance the character or appearance of the conservation area.

The proposal complies with the local development plan and associated guidance. The proposal is acceptable in principle, in terms of its impact on open space and on the conservation area. The proposal will provide adequate levels of amenity for future occupiers and will not adversely impact on neighbouring residential amenity. There are no material considerations that outweigh this conclusion.

SECTION A – Application Background

Site Description

The application site comprises the former Tramways Bowling Club, including a bowling green and a single storey clubhouse. The site is located within a residential area, with neighbouring properties to the north-west, south-east, and north-east of the boundary. Private gardens of properties at Pilrig Heights are separated to the north of the site by a boundary wall and the neighbouring Pilrig Bowling Club is located at the north-east boundary.

The site is partly located within the Pilrig Conservation Area.

Description of the Proposal

The applicant proposes a change of use from a bowling green (Class 11) to residential use (Class 9) with amendments to the existing building. The existing bowling green would be private garden ground.

No extension(s) to the clubhouse building or new development within the garden area is proposed.

Supporting Information

A Design and Access Statement and a Planning Supporting Statement have been submitted. Full details can be viewed online on the Planning and Building Standards Portal.

Relevant Site History

21/00528/FUL

54 Rosslyn Crescent

Edinburgh

EH6 5AX

Change of use from leisure class 11 to residential class 9.

Refused

3 May 2021

Other Relevant Site History

No other relevant site history.

Pre-Application process

There is no pre-application process history.

Consultation Engagement

Archaeologist

Refer to Appendix 1 for a summary of the consultation response.

Publicity and Public Engagement

Date of Neighbour Notification: 22 February 2022

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): 25 February 2022.

Site Notices Date(s): 22 February 2022.

Number of Contributors: 77

Section B - Assessment

Determining Issues

Due to the proposed development falling within a conservation area, this report will first consider the proposals in terms of Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997:

- Is there a strong presumption against granting planning permission due to the development conflicting with the objective of preserving or enhancing the character or appearance of the conservation area?
- If the strong presumption against granting planning permission is engaged, are there any significant public interest advantages of the development which can only be delivered at the scheme's proposed location that are sufficient to outweigh it?
- This report will then consider the proposed development under Sections 25 and 37 of the Town and Country Planning (Scotland) Act 1997 (the 1997 Act):
- Do the proposals comply with the development plan?
- If the proposals do comply with the development plan, are there any compelling material considerations for not approving them?
- If the proposals do not comply with the development plan, are there any compelling material considerations for approving them?
- In the assessment of material considerations this report will consider:
 - the Scottish Planning Policy presumption in favour of sustainable development, which is a significant material consideration due to the development plan being over 5 years old.
 - equalities and human rights.
 - public representations; and
 - any other identified material considerations.

Assessment

To address these determining issues, it needs to be considered whether:

a) The proposals harm the character or appearance of the conservation area.

The bowling green which would form the proposed garden ground for this proposal is not within the conservation area. The clubhouse is not listed and appears to be a later addition to the area in comparison with surrounding buildings which date from the late 1800s.

The Pilrig Conservation Area Character Appraisal notes that the Pilrig Conservation Area is characterised by its varied street pattern and terraced properties, contrasted with the green space of Pilrig Park and Rosebank Cemetery.

There would be no alteration to the pattern of development as a result of the change of use and the application proposes modest amendments to the clubhouse building. The clubhouse building is largely screened from views within the conservation area and proposed physical alterations and use of the bowling green as private garden space would not be injurious to the character or appearance of the conservation area.

Conclusion in relation to the conservation area

The proposal has regard to the desirability of preserving or enhancing the character or appearance of the conservation area. The proposal is acceptable with regards to Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

b) The proposals comply with the development plan.

The development plan comprises the Strategic and Local Development Plans. The relevant Edinburgh Local Development Plan 2016 (LDP) policies to be considered are:

- LDP Environment policies Env 6, Env 9, Env 16 and Env 18
- LDP Housing policies Hou 3 and Hou 5
- LDP Transport policies Tra 2 and Tra 3
- LDP Design policies Des 1, Des 5 and Des 12

The non-statutory 'Listed Buildings and Conservation Area' guidance is a material consideration that is relevant when considering policy Env 6. The Edinburgh Design Guidance is a material consideration in the assessment of this application.

Principle

Changes of use to residential must be considered in the context of LDP Policy Hou 5 (Conversion to Housing). The LDP proposals map shows that the existing bowling green is designated as Open Space (Name: BG72 - Pilrig Bowling Green) therefore the application must also be considered in the context of LDP Policy Env 18 (Open Space Protection).

Criteria a) to d) of LDP Policy Hou 5 list the requirements that must be satisfied for a proposed change of use at this application site. Supporting floor plans demonstrate that the applicant proposes a three-bedroom property, including an open plan kitchen and lounge space with other utility spaces.

The proposed floor space of 177 sqm. would exceed the recommended area of 81 sqm. for a three-bedroom unit as specified in the Edinburgh Design Guidance (EDG). Privacy and general outlook are appropriate, whilst daylight to the property would be secured through enlarged window openings to the north-west elevation of the property and a series of rooflights that would be added to the clubhouse building's south-eastern roof area. Further rooflights would be introduced to the area of flat roof. A satisfactory residential environment would be achieved. Amenity for future residents is considered further in this assessment in Section B part c).

Criterion b) of LDP Policy Hou 5 requires housing to be compatible with surrounding uses. The area is residential in character and within the Urban Area as shown in the LDP Proposals Map. The introduction of housing to the area is compatible with surrounding uses.

Criterion c) of LDP Policy Hou 5 requires that appropriate external open space, amenity and car and cycle parking standards are met. Suitable external and garden space would be available to the rear of the property and cycle parking would be within the curtilage of the property. Car parking would be available in the local area, if necessary, in line with council policy.

Criterion d) of LDP Policy Hou 5) requires a change of use to comply other policies in the LDP including safeguarding of other important land uses. In this case the application site includes protected open space. An assessment of compliance with other relevant LDP policies is provided below in the context of LDP Policy Env 18 (Open Space Protection).

Subject to compliance with other LDP policies, the proposal complies with LDP Policy Hou 5 and is acceptable in principle.

Open Space

Local Development Plan Policy Env 18 (Open Space Protection) sets out the criteria for applications that would result in the loss of designated open space. The proposed garden ground at this application site is classified as open space in the LDP Proposals Map. The Council's Open Space Strategy is used to inform the value of open space in the context of this policy.

The application complies with criterion a) of LDP Policy Env 18, as there would be no significant impact on the quality or character of the local environment by converting a bowling green to garden space or changing the clubhouse to a residence.

The open space forms part of the 'Pilrig Bowling Green' and approximates to 50% of this open space as shown in the Council's Open Space Strategy. The Pilrig Bowling Green open space includes two bowling greens: the application site which was used as Tramways Bowling Club; and Pilrig Bowling Club, which is adjacent to the application site boundary. The proposed change of use would result in the loss of one bowling green which is currently closed to the public, as the club has been disbanded in recent years. In the context of LDP Policy Env 18 criterion b), the site is of limited leisure value at present and there is good quality open space provision in the local area at Pilrig Park, as well as the neighbouring Pilrig Bowling Green at the site's northeast boundary. The proposal complies with criterion b) of LDP Policy Env 18.

The existing bowling green would be used as garden space for the proposed residential use and no building work or extension is proposed on this space. There would be no loss to the biodiversity value of the site from a change of use from a bowling green to garden space. The proposal complies with criterion c) of LDP Policy Env 18.

The application complies with criteria a) to c) of LDP Policy Env 18; however, it must also accord with either qualifying criteria d) or e) of the policy to meet the requirements for any loss of protected open space.

Criterion d) of LDP Policy Env 18 does not apply as it would not be proportionate to request contributions to improve an existing public park or open space as Pilrig Park is approximately 215 metres away and no actions to improve the park are identified in the Open Space Strategy. The ability of the proposal to comply with the loss of protected open space is therefore contingent upon compliance with criterion e) of LDP Policy Env 18.

Criterion e) of LDP Policy Env 18 states that development must be for a *community purpose and the benefits to the local community outweigh the loss*. The applicant has submitted details of agreements with two community groups who would use the area on a weekly basis, one being a children's nursery and the other a family-orientated garden group. Although there is no mechanism to enforce such an agreement, the land is in private ownership and not open to the public. There is no reasonable ability for the Council to change the status of the land, which remains out of use to the wider public, in this context, the opportunity for some form of community benefit is available and in these very particular circumstances, the proposal partially achieves the objectives of criterion e).

The proposal complies with LDP Policy Env 18.

Conservation Area

This has been addressed above. The proposal complies with policy Env 6.

Amenity

Future Occupiers

LDP Policy Des 5 (Development Design-Amenity) requires future occupiers to have acceptable levels of amenity in relation to noise, daylight, sunlight, privacy, or immediate outlook. Criterion a) of LDP Policy Hou 5 requires new development to create an attractive residential environment for future residents in housing development. In addition, LDP Policy Hou 3 (Private Green Space in Housing Development) requires the adequate provision of green space to meet the needs of future residents. The non-statutory EDG also offers advice regarding the amenity of future occupants and neighbours.

The proposed private external space, in the form of the former bowling green, provides an acceptable standard and quantity of open space for future residents in compliance with criterion c) of LDP Policy Hou 5 and LDP Policy Hou 3.

The EDG requires a minimum internal floor area of 81 sqm for a three-bedroom unit. The proposed internal floor space measures 177 sqm. and exceeds the recommended area for a three-bedroom unit which is acceptable.

The EDG establishes standards relating to daylighting for new dwellings. The addition of new openings would provide adequate daylight to the proposed dwelling.

Future occupants would enjoy adequate privacy despite neighbouring gable windows from number 50 Rosslyn Crescent being located at the mutual boundary beside the external garden space as planting is proposed to screen the garden.

In terms of floorspace, external amenity space, privacy, outlook, and daylight provision the proposal complies with LDP policies Des 5-criterion a), Hou 5 criterion a), Hou 3 and the Edinburgh Design Guidance.

Neighbouring Residents

LDP Policy Des 12 (Alterations and Extensions) of the LDP seeks to protect the amenity and privacy of neighbours where alterations and extensions to existing buildings are proposed.

Representations raise concern with regard to privacy for neighbouring properties. The proposed change to a residential use would alter the nature of activity at this site from a leisure club to a private residence with a rear garden.

It is likely that there would be a reduction in the number and frequency of visitors to the site based on the site's previous use as a bowling club. The use of garden space by future residents would not cause any intensification or worsening of privacy for immediate neighbours at number 50 Rosslyn Crescent, despite gable windows being located on the mutual boundary. Similarly, properties at Pilrig Heights at the foot of the proposed garden space are separated by a boundary wall and the window-to-window distance between these properties and the clubhouse building is approximately 47 metres; this is an acceptable distance in the context of privacy or overlooking. The proposal would not result in any additions that would impact 45 Rosslyn Crescent as only roof lights are proposed facing this boundary.

Overshadowing plans to consider any impact(s) for neighbouring properties are not required as there are no new structures, buildings or extensions proposed at the site.

The proposal complies with LDP Policy Des 12 and the Edinburgh Design Guidance.

Proposed amendments to the property

The proposed physical alterations are of a minor scale and involve the addition of new windows and rooflights. These are in keeping with the site and will not impact on the character of the area in compliance with LDP policies Des 1 and Des 12.

Other Matters

Transportation

Zero parking at this location complies with the Council's parking standards. Street parking is available in the local area if required and the property is capable of storing bicycles within its curtilage. As an alternative to private transport modes the property is within walking distance of the city's public transport network where bus service routes 10 and 11 operate along Pilrig Street.

The proposal complies with LDP policies Tra 2 (Private Car Parking) and Tra 3 (Private Cycle Parking).

Protected species

The applicant proposes the introduction of several small roof lights and other alterations to the existing clubhouse building. An ecological survey has been submitted. No protected species have been found and mitigation measures have been proposed.

The proposal complies with policy Env 16.

Archaeology

Given the lack of groundworks the Council Archaeologist has no objection to the proposal.

The proposal complies with policy Env 9.

Conclusion in relation to the Development Plan

The proposal complies with the local development plan.

c) There are any other material considerations which must be addressed?

The following material planning considerations have been identified:

SPP - Sustainable development

Scottish Planning Policy (SPP) is a significant material consideration due to the LDP being over 5 years old. Paragraph 28 of SPP gives a presumption in favour of development which contributes to sustainable development. Paragraph 29 outlines the thirteen principles which should guide the assessment of sustainable development.

The proposal complies with Paragraph 29 of SPP.

Emerging policy context

The Draft National Planning Framework 4 has been consulted on but has not yet been adopted. As such, little weight can be attached to it as a material consideration in the determination of this application.

On 30 November 2022 the Planning Committee approved the Schedule 4 summaries and responses to Representations made, to be submitted with the Proposed City plan 2030 and its supporting documents for Examination in terms of Section 19 of the Town and Country Planning (Scotland) Act 1997. At this time little weight can be attached to it as a material consideration in the determination of this application.

Equalities and human rights

Due regard has been given to section 149 of the Equalities Act 2010. No impacts have been identified.

Consideration has been given to human rights. No impacts have been identified through the assessment and no comments have been received in relation to human rights.

Public representations

The application received a total of 77 comments. Of these, 46 objected, 3 were neutral and 28 were in support. A summary of the representations is provided below:

material considerations

- principle: this has been addressed above.
- overdevelopment: no new structures are proposed.
- loss of open space: this has been addressed above.
- loss of privacy: this has been addressed above.
- amenity for future occupiers: this has been addressed above.
- protected species: this has been addressed above.

non-material considerations

- future development: the proposal is assessed on the submission at hand. Any further proposals would require further planning permission.

Conclusion in relation to identified material considerations

The proposal is acceptable with regards to the above.

Overall conclusion

The proposal complies with the local development plan and associated guidance. The proposal is acceptable in principle, in terms of its impact on open space and on the conservation area. The proposal will provide adequate levels of amenity for future occupiers and will not adversely impact on neighbouring residential amenity. There are no material considerations that outweigh this conclusion.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following.

Conditions

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted. If development has not begun at the expiration of this period, the planning permission lapses.

Reasons: -

1. To accord with Section 58 of the Town and Country Planning (Scotland) Act 1997.

Informatives

It should be noted that:

1. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.
2. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.

Background Reading/External References

To view details of the application go to the [Planning Portal](#)

Further Information - [Local Development Plan](#)

Date Registered: 16 February 2022

Drawing Numbers/Scheme

01-10

Scheme 1

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Murray Couston, Planning Officer
E-mail: murray.couston@edinburgh.gov.uk

Appendix 1

Summary of Consultation Responses

NAME: Archaeologist

COMMENT: No objection to the proposal.

DATE: 7 March 2022

The full consultation response can be viewed on the [Planning & Building Standards Portal](#).

Location Plan



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Development Management Sub-Committee Report

Wednesday 11 January 2023

**Application for Planning Permission
14 Wester Coates Gardens, Edinburgh, EH12 5LT**

Proposal: Demolition of existing and construction of new dwelling

**Item – Committee Decision
Application Number – 22/03600/FUL
Ward – B11 - City Centre**

Reasons for Referral to Committee

The application has been referred to the Development Management Sub-Committee as 17 letters of objection have been received and it is recommended for approval. Consequently under the Council's Scheme of Delegation the application must be determined by the Development Management Sub-Committee.

Recommendation

It is recommended that this application be **Granted** subject to the details below.

Summary

The proposal will not adversely affect the setting of the adjacent listed building and complies with Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. It is compatible with the character and appearance of the conservation area with regard to height, mass and scale and the demolition of the existing building is acceptable having regard to Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. The principle of the proposal is acceptable and it will not negatively impact on amenity. The proposal complies with the development plan and there are no other material considerations which outweigh this conclusion.

SECTION A – Application Background

Site Description

The site is located in the Coltbridge and Wester Coates Conservation Area within the former gardens and setting of 12 Wester Coates Gardens, a category C listed building (listed 18/09/2002, ref LB48919).

To the north of the site, associated with the Water of Leith, is a Special Landscape Area, a Local Nature Conservation site and also designated open space.

The site comprises a single storey 1970s detached bungalow dwellinghouse constructed of brick and concrete roof tile. The ridge of the roof is 6m in height. The property includes an extensive front and rear garden setting with mature trees, stone boundary walls and tall hedging.

Description of the Proposal

The application seeks planning permission to demolish the existing 345 square-metre detached 1970s prefabricated single family bungalow at 14 Wester Coates Gardens and erect a new 364 square-metre 1-2 storey family home.

The proposal is for a predominantly single storey building with two storey element which forms a hinge, anchoring the two wings of the house. The two wings create a paved courtyard at the rear of the building. The ridge of the roof is 7.6m in height.

Open plan living space and two bedrooms will be on the ground floor, with an additional two bedrooms and study on the second storey which has a balcony facing north and west with a high wall preventing views to the east.

The proposal includes two-tone Wienerberger Marziale chalk/sandstone coloured brick cladding with lime mortar alongside timber cladding on the ground floor elevation. Roofing materials include brown zinc while triple glazed windows will be finished with aluminium frames.

Hard landscaping includes a new front courtyard in slimline clay Roman paving and a timber clad cycle store. Soft landscaping comprises the retention of mature native trees, new planting including silver birch and the removal of two Cypress trees.

The proposal includes zero carbon heating and power technologies such as an air source heat pump and solar PV array in addition to a highly insulated built fabric.

The proposal is designed to accommodate older residents and includes inclusive design elements such as a ground floor bedroom and a lift to the second floor.

Supporting Information

The following supporting information has been submitted and can be viewed in Planning and Building Standards online services:

- Design and Access Statement - revised;
- Planning Statement;
- Sustainability Statement;
- Retrofit statement - revised;

- Recycling schedule;
- Surface Water Management Plan;
- Bat survey and
- Tree survey.

Planning History

94/02579/FUL

In 1994, a planning application with associated conservation area consent was submitted to add a conservatory to the house. This conservatory is still present today.

03/00036/FUL

In 2002-2003, planning applications with associated conservation area consent were submitted for the demolition of the existing house and the erection of flatted development with 6 flats, and 2 mews houses. These applications were refused due to the inappropriate scale of the proposals.

09/02259/FUL

In 2009, a planning application was submitted to alter the house and extend it. It was approved but the extension was not erected.

Relevant Site History

No relevant site history.

Other Relevant Site History

Pre-Application process

Pre-application discussions took place on this application.

Consultation Engagement

Flood planning

Environmental Protection

Refer to Appendix 1 for a summary of the consultation response.

Publicity and Public Engagement

Date of Neighbour Notification: 21 July 2022

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): 29 July 2022;

Site Notices Date(s): 26 July 2022;

Number of Contributors: 25

Section B - Assessment

Determining Issues

Due to the proposals relating to a listed building(s) and being within a conservation area, this report will first consider the proposals in terms of Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (the "1997 Heritage Act"):

- a) Is there a strong presumption against granting planning permission due to the proposals:
 - (i) harming the listed building or its setting? or
 - (ii) conflicting with the objective of preserving or enhancing the character or appearance of the conservation area?

- b) If the strong presumption against granting planning permission is engaged, are there any significant public interest advantages of the development which can only be delivered at the scheme's proposed location that are sufficient to outweigh it?

This report will then consider the proposed development under Sections 25 and 37 of the Town and Country Planning (Scotland) Act 1997 (the 1997 Act):

If the proposal is in accordance with the development plan the determination should be to grant planning permission unless material considerations indicate otherwise?

If the proposal is not in accordance with the development plan the determination should be refuse planning permission unless material considerations indicate otherwise?

In the assessment of material considerations this report will consider:

- the Scottish Planning Policy presumption in favour of sustainable development, which is a significant material consideration due to the development plan being over 5 years old;
- equalities and human rights;
- public representations and
- any other identified material considerations.

Assessment

To address these determining issues, it needs to be considered whether:

a(i) The proposals harm the setting of the listed building?

The following HES guidance is relevant in the determination of this application:

- Managing Change in the Historic Environment - Setting

The replacement building will not adversely impact the setting of the adjacent 3 storey C listed neo-Jacobian villa due to its subservient scale and complimentary material palette. The proposed solar panels will be integrated neatly into the zinc roof cladding and will be located on the east facing roof in order to reduce visibility from the street. Although the proposed 2 storey element with solar panels will have a moderate impact on views from the listed building, the proposed building envelope will not be significantly different in nature to the existing roofscape which indeed is not of historical value to the setting of the listed building. The air source heat pump will also be hidden from view on the north-eastern elevation with sufficient distance from boundary lines and windows.

Conclusion in relation to the listed building

The proposal does not harm the setting of the listed building. The proposal is acceptable with regards to Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

a(ii) The proposals harm the character or appearance of the conservation area?

The following HES guidance is relevant in the determination of this application:

- Managing Change in the Historic Environment - Interim guidance on the Designation of Conservation Areas and Conservation Area Consent (2019).

In addition to the above, Supplementary Planning Guidance (SPG) forms a material planning consideration as does national planning policy and guidance. The following non-statutory documents are also of relevance in the considerations of this proposal:

- Edinburgh Design Guidance (2020)
- Listed Buildings and Conservation Areas (2019)
- Coltbridge and Wester Coates Conservation Area Character Appraisal (2005)

The site is located within the Coltbridge and Wester Coates Conservation Area and the character appraisal states that the area contains two distinct character zones: Sub Area A - the streets of Victorian and Edwardian villas to the west of Donaldson's School; and Sub Area B - the tenements and stone built terraces of Roseburn further west. The site of this proposal is in Sub Area A.

Sub Area A is predominantly comprised of two and three storey Victorian sandstone villas from the 1850s which face the street with impressive front gardens. Additional Edwardian stone villas were consequently built along Wester Coates Gardens by 1904, including the Category C listed neo-Jacobian flatted building, 12 Wester Gardens, immediately east of the site.

The Appraisal states, 'the original development pattern has been eroded by unsympathetic changes and extensions' such as the introduction of new houses in back gardens around Wester Coates Gardens.'

Although the area is characterised by a mix of architectural styles and materials, there is 'considerable uniformity by maintaining front building lines' a generosity of proportions, traditional stone walls and pitched slate roofing.'

Existing building:

The existing 1970s prefabricated bungalow has yellow monotone bricks and concrete roof tiles of limited architectural quality. The building is not listed as a building of architectural or historic interest under the Planning (Listed Building and Conservation Areas) (Scotland) Act 1997.

When assessed against the Coltbridge and Wester Coates Conservation Area Character Appraisal which highlights the essential characteristics of the area, the building is atypical. The building is a Post War infill development in the former gardens of an Edwardian villa. The age, scale and lack of distinctive detailing is not consistent with the stylistic influences of Victorian/Edwardian architecture throughout the area.

As the building does not positively impact on the character and appearance of the conservation area, there is no strong presumption against its demolition. As the building is of limited importance to the character and appearance of a conservation area, a condition survey or the marketability of alternative uses is not required to be demonstrated. The demolition of the building is to facilitate a development of high quality and the merits of the alternative proposals outweigh the loss of the existing building.

Replacement building proposal:

The design and material palette make reference to Scottish modernist architects Morris and Steedman, representing a contemporary interpretation of the conservation area which is characterised by prominent villas facing the street. The introduction of a partial second storey creates a focal point and affords the building a greater presence on Wester Coates Gardens. The high-quality brick is sympathetic in tone to the adjacent sandstone properties while avoiding becoming pastiche. The timber cladding reflects materials which can be found in the area and coupled with the brown zinc roof will sit comfortably in the mature landscape setting.

The proposals make a positive contribution to the character of the area from directly outside 14 Wester Coates Gardens, whilst being largely invisible from other locations along the street due to it being set back and surrounded by mature vegetation. Due to the location of the replacement building in the south east of the site in addition to the existing belt of mature trees along the steep bank of the Water of Leith, the proposal would not be visible from Coltbridge Gardens.

The proposal includes the retention of existing mature trees with the exception of two Cypress trees which will be removed. The Council's tree officer is satisfied that these Cypress trees are of limited value and will be replaced with new tree planting. Overall the leafy character of the conservation area will be maintained.

Conclusion in relation to the conservation area

The proposal has regard to the desirability of preserving or enhancing the character or appearance of the conservation area. The proposal is acceptable with regards to Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

b) The proposals comply with the development plan?

The development plan comprises the Strategic and Local Development Plans. The relevant Edinburgh Local Development Plan 2016 (LDP) policies to be considered are:

- LDP Environment policy Env 3, Env 5, Env 6, Env 12, Env 16, Env 21
- LDP Design policies Des 1, Des 4, Des 5, Des 6
- LDP Transport policies Tra 2, Tra 3, Tra 4

The non-statutory 'Listed Buildings and Conservation Area' guidance is a material consideration that is relevant when considering policy Env 6 and the Edinburgh Design Guidance is a relevant material consideration when considering the design related policies.

Demolition and Conservation Area

The demolition of the existing building and the impact of the proposed development on the character and appearance of the conservation area is addressed in section (a) above. Accordingly, the proposals comply with LDP policies Env 5 and Env 6.

Principle

The site lies within a defined urban area in the adopted Edinburgh Development Plan. The existing use is housing, therefore the proposal does not represent a change in use.

Subject to compliance with other policies in the plan as assessed below, the principle of housing on the site is acceptable. The proposals comply with LDP policy Hou 1.

Design

The proposal seeks to respond to its immediate and wider context. Although sandstone and slate is the dominant material neighbouring buildings, the proposed design and material palette represents a contemporary interpretation of the conservation area which is characterised by prominent villas facing the street. The high-quality two-tone sandstone/chalk coloured brick is sympathetic to the sandstone properties adjacent to this scheme without attempting to achieve a pastiche replication of existing historic buildings. The timber cladding reflects materials which can be found in the context and coupled with the brown zinc roof will sit comfortably in the mature landscape setting.

The proposal is low to the ground and mostly on one storey, with only a partial first floor which remains subservient to the adjacent properties. The majority of the replacement building is lower in height than the existing bungalow, apart from the first floor element (8.3m) which is 2m higher than the current building. The introduction of a partial second storey creates a focal point and affords the building an enhanced presence on Wester Coates Gardens which contributes to the townscape and makes better use of the existing building footprint.

Although the proposed footprint is slightly larger than the existing building (existing: 345 square metres; proposed: 364 square metres), the scale and proportions are appropriate for the setting with enough space between buildings.

The proposals comply with LDP Policies Design 1 and 4.

Sustainable Building

Part 6 of the Building Standards Technical Handbook requires new developments to accord with the current carbon dioxide emissions reduction target and this will be addressed through the building warrant stage. The sustainability, retrofit and recycling statements outline justification for demolition as the existing building which would require significant renovation in order to achieve high levels of energy efficiency. The proposed replacement building will use Passivhaus techniques to achieve a gold level under Scottish Building Standards. Renewable heating and electricity will be provided by an air source heat pump and solar panels. Natural light would be maximised throughout the proposal which is not the case with the existing building.

The majority of materials from the demolition will be recycled as per the recycling schedule and the proposal includes provision for cycle parking. The proposals comply with LDP policy Des 6.

Amenity

The proposed building line will sit at sufficient distance from boundary lines so as not to affect the daylighting neighbouring properties. The proposed two-storey north-eastern elevation marginally fails the 45 degree sun lighting/shadowing test on the south-west facing gardens of 12 Wester Coates Gardens, however there is an existing belt of mature trees along the boundary which already has a more significant impact on shadowing. In addition to this, the gardens of 12 Wester Coates Gardens are extensive and provide ample access to sunlight.

With regard to privacy and immediate outlook, the windows are mostly located on the ground floor and will not have any views onto the neighbouring sites as the vegetation is dense and the proposal is distanced from the boundary. The first floor window facing number 12 will be opaque.

The balcony on the second storey has views to the north and west, facing the garden. Views eastward to the listed building are prevented by a proposed wall. The ground floor garden patio of 16 Wester Coates Gardens would not be visible from the balcony due to the layout of the proposed building and existing boundary treatment.

Views westward would take in the northern end of the garden of number 16, however the distance from the terrace to the boundary is 21m. When this distance is taken into account, the balcony is not considered to have an unreasonable impact on privacy and overlooking.

The proposed solar panels will be made from black monocrystalline with black frames which minimises potential glare on neighbouring properties.

The proposals comply with LDP policy Des 5.

Parking

The submitted Design and Access statement states that a single parking space for the proposed development will be off-street and in line with guidance. Cycle storage will be located to the front, comprising of vertical timber cladding. The proposed boundary treatment will screen the cycle storage from public view.

The proposals comply with policies Tra 2, Tra 3 and Tra 4.

Flooding

Flood Prevention was consulted on the proposals and advised that the application can proceed to determination subject to a condition around the completion of a percolation test. The Council is satisfied with the surface water management plan and the proposal will not increase flood risk or be at risk of flooding.

The proposals comply with LDP policy Env 21.

Ecology

To the north of the site, associated with the Water of Leith, is a Special Landscape Area, a Local Nature Conservation site and also designated open space. Bats have been identified by local residents in the surrounding trees. As a result of this location, a bat survey was requested by the Council. The survey did not identify any traces of bats within the building and the loft space was considered to have low roosting potential. The Council's ecologist is satisfied with the proposal to install a bat box as mitigation for the demolition and a condition is proposed to this effect. In addition to this all mature native trees on site will be retained.

The proposals comply with LDP policy Env 16 Species Protection.

Trees

The submitted Tree Survey demonstrates that nearby trees within the site will not be affected by the proposal and the proposal will not result in a future pressure for the trees to be cut back. The tree survey, protection plan and planting plan has been reviewed by the council's tree officer who is satisfied with the proposals subject to attached conditions. The proposals comply with LDP policy Env 12 Trees.

Archaeology

No archaeological features will be affected by the proposed development. The proposals comply with LDP policy Env 9.

Noise and air pollution

The heat pump is a potential noise source, however Environmental Protection has confirmed that as the distance to the nearest dwellings are between 25-30m away, it is not considered likely to be an issue.

Environmental Protection has included an informative around the use of dust suppression equipment during demolition stage. Building Standards requirements around safe demolition methods will be covered by a building warrant rather than a planning condition. The proposal complies with LDP policy Des 5.

Development Contributions

The proposal is not required to contribute towards healthcare or education and is compliant with LDP policy Del 1.

Conclusion in relation to the Development Plan

The principle of the proposal is acceptable. The proposal is compatible with the character of the area and does not result in an unreasonable loss of neighbouring amenity. The proposal complies with LDP environmental and design policies and the overall objectives of the Development Plan.

c) There are any other material considerations which must be addressed?

The following material planning considerations have been identified:

SPP - Sustainable development

Scottish Planning Policy (SPP) is a significant material consideration due to the LDP being over 5 years old. Paragraph 28 of SPP gives a presumption in favour of development which contributes to sustainable development. Paragraph 29 outlines the thirteen principles which should guide the assessment of sustainable development.

The proposal complies with Paragraph 29 of SPP.

Emerging policy context

The Revised Draft National Planning Framework 4 was laid before the Scottish Parliament on 08 November 2022 for approval. As it has not completed its parliamentary process, only limited weight can be attached to it as a material consideration in the determination of this application.

On 30 November 2022 the Planning Committee approved the Schedule 4 summaries and responses to Representations made, to be submitted with the Proposed Cityplan 2030 and its supporting documents for Examination in terms of Section 19 of the Town and Country Planning (Scotland) Act 1997. At this time little weight can be attached to it as a material consideration in the determination of this application.

Equalities and human rights

Due regard has been given to section 149 of the Equalities Act 2010. No impacts have been identified.

Consideration has been given to human rights. No impacts have been identified through the assessment and no comments have been received in relation to human rights.

Public representations

A summary of the representations is provided below:

material considerations

- Material palette of proposal is not appropriate for the conservation area.
- Two storey element will impact on setting/views of C listed building.
- Existing building makes a neutral contribution by virtue of being included in the conservation area designation in 1987.
- Impact of proposals on protected species including bats.
- Impact of proposed building line on amenity.
- Impact of proposed balcony on overlooking/amenity.

non-material considerations

- Embodied carbon emissions in existing building being demolished.
- Environmental health concerns around noise and air quality during demolition and construction.

Conclusion in relation to identified material considerations

Please see responses in the assessment above.

Overall conclusion

The proposal will not adversely affect the setting of the adjacent listed building and complies with Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. It is compatible with the character and appearance of the conservation area with regard to height, mass and scale and the demolition of the existing building is acceptable having regard to Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. The principle of the proposal is acceptable and it will not negatively impact on amenity. The proposal complies with the development plan and there are no other material considerations which outweigh this conclusion.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

Conditions :-

1. As confirmed in the Surface Water Management Report, percolation testing has not yet been conducted. This testing must be conducted to confirm that the proposed and existing soakaway are feasible with proof submitted to the Planning Authority before construction takes place.
2. Notwithstanding the approved drawings, sample panels of all the proposed materials including brick shall be submitted to and approved in writing by the Planning Authority before commencing work on the site. The materials, as approved, shall be implemented before work on the site is completed.
3. Vegetation clearance should be completed outwith the nesting bird season (e.g. outwith March to August inclusive).
4. Prior to the commencement of development, the agreed Tree Protection Plan is to be implemented in full and not modified unless with the written consent of the Planning Authority.
5. The agreed Arboricultural Method Statement is to be implemented in full and not modified unless with the written consent of the Planning Authority.
6. The agreed Tree Planting Plan to be implemented in full within 6 months of the commencement of development unless agreed in writing with the Planning Authority. Any tree which, within 5 years of planting, is removed, dies or in the opinion of the planning authority is diseased or damaged shall be replaced in accordance with tree replanting plan unless agreed otherwise with the Planning Authority.
7. Before work commences, an agreement is to be made in writing with the Planning Authority relating to the work to be undertaken within the root protection area of tree 10.
8. Install one bat box before occupation of the development hereby approved, details and positioning to be agreed with the Council, as planning authority.

Reasons: -

1. In order to ensure appropriate surface water management of the site.
2. To satisfy the Planning Authority that the materials are appropriate for the context.
3. To protect wildlife throughout demolition and construction.
4. To protect existing trees during demolition and construction.
5. To protect existing trees during demolition and construction.

6. To protect existing trees during demolition and construction.
7. To protect existing trees during demolition and construction.
8. In order to successfully mitigate the loss of potential roosting features and safeguard European Protected Species.

Informatives

It should be noted that:

1. If the structure were to be demolished in the winter, a pre-works check of all accessible features by a licensed bat worker, followed by supervision of hand removal of any features noted here and noted by the bat worker in attendance that may provide bat roosting potential for the presence of bats must be completed. If no bats are found, works can proceed. If bats are identified the site must be remediated and a licence to permit the destruction of the roost obtained.
2. If the structure were to be demolished during the summer works, a pre-works dawn re-entry survey must be completed to confirm an absence of roosting bats on the morning works are due to commence. The building must then be rendered unviable for roosting on that same day in such a way as would satisfy the licensed bat worker in attendance that bats are not likely to roost, works can then proceed. If bats are identified using the structure, works must stop and be delayed until such time as a licence can be granted to permit the works.
3. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
4. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.
5. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.

Background Reading/External References

To view details of the application go to the [Planning Portal](#)

Further Information - [Local Development Plan](#)

Date Registered: 20 July 2022

Drawing Numbers/Scheme

01-10

Scheme 1

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Simon Wasser, Assistant Planning Officer
E-mail: simon.wasser@edinburgh.gov.uk

Summary of Consultation Responses

NAME: Flood planning

COMMENT: We have no major concerns over this application. This application can proceed to determination, with the following comment noted as a condition: as confirmed in the Surface Water Management Report, percolation testing has not yet been conducted. This testing should be conducted to confirm that the proposed and existing soakaway are feasible.

DATE:

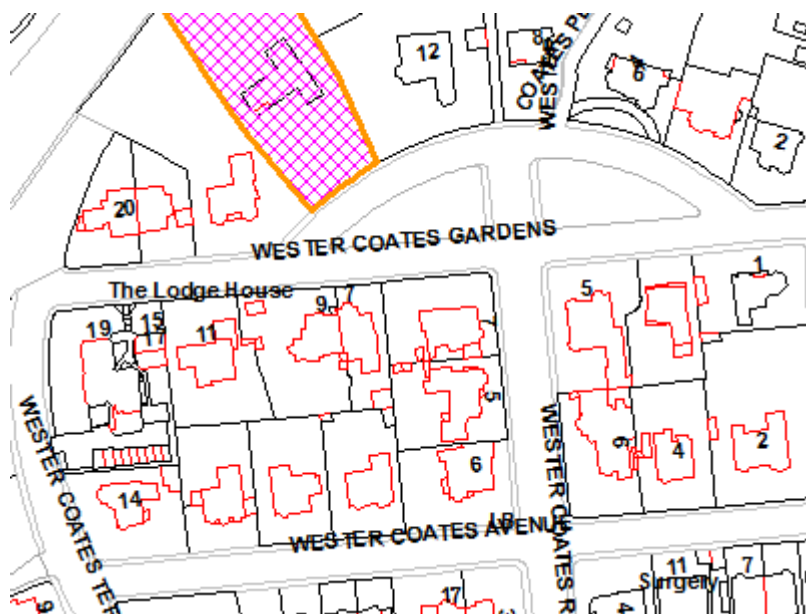
NAME: Environmental Protection

COMMENT: Environmental Protection has no objection to this application. Two informatives have been included around managing the noise implications of the proposed heat pump and ensuring that appropriate equipment is used to manage dust pollution during demolition.

DATE:

The full consultation response can be viewed on the [Planning & Building Standards Portal](#).

Location Plan



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Development Management Sub-Committee Report

Wednesday 11 January 2023

**Application for Conservation Area Consent
14 Wester Coates Gardens, Edinburgh, EH12 5LT.**

Proposal: Demolition of dwelling

**Item – Committee Decision
Application Number – 22/03601/CON
Ward – B11 - City Centre**

Reasons for Referral to Committee

The application has been referred to the Development Management Sub-Committee because 15 letters of representation in objection to the proposals have been received. Consequently, under the Council's Scheme of Delegation, the application must be determined by the Development Management Sub-Committee.

Recommendation

It is recommended that this application be **Granted** subject to the details below.

Summary

The proposed demolition of the existing building is acceptable with regards to Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

SECTION A – Application Background

Site Description

The site is located in the Coltbridge and Wester Coates Conservation Area within the former gardens and setting of 12 Wester Coates Gardens, a category C listed building (listed 18/09/2002, ref LB48919).

To the north of the site, associated with the Water of Leith, is a Special Landscape Area, a Local Nature Conservation site and also designated open space.

The building is a 1970s brick bungalow dwelling with concrete roof tiles in large private landscape setting.

Description of the Proposal

The application seeks conservation area consent to demolish the existing detached 1970s prefabricated single family bungalow, 14 Wester Coates Gardens. The proposal is to facilitate a proposed development under planning application 22/03600/FUL.

Planning History

94/02579/FUL

In 1994, a planning application with associated conservation area consent was submitted to add a conservatory to the house. This conservatory is still present today.

03/00036/FUL

In 2002-2003, planning applications with associated conservation area consent were submitted for the demolition of the existing house and the erection of flatted development with 6 flats, and 2 mews houses. These applications were refused due to the inappropriate scale of the proposals.

09/02259/FUL

In 2009, a planning application was submitted to alter the house and extend it. It was approved but the extension was not erected.

Relevant Site History

No relevant site history.

Other Relevant Site History

Pre-Application process

Pre-application discussions took place on this application.

Consultation Engagement

Historic Environment Scotland

Refer to Appendix 1 for a summary of the consultation response.

Publicity and Public Engagement

Date of Neighbour Notification: Not Applicable

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): 29 July 2022;

Site Notices Date(s): 26 July 2022;

Number of Contributors: 15

Section B - Assessment

Determining Issues

Consent is required because section 66 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (the "1997 Heritage Act") states that in making a decision on the demolition of a building in a conservation area section 6 to 25 of the same Act shall have effect in relation to buildings in conservation areas as they have effect in relation to listed buildings. The proposals therefore require to be assessed in terms of Section 64 of the 1997 Heritage Act:

- Having due regard to HES Policy and guidance, does the proposed demolition conflict with the objective of preserving or enhancing the character or appearance of the conservation area?
- If the proposals do comply with HES Policy and guidance on demolition in a conservation area, are there any compelling reasons (including but not limited to the public sector equality duty) for not approving them?
- If the proposals do not comply with HES Policy and guidance on demolition in a conservation area, are there any compelling reasons (including but not limited to the public sector equality duty) for approving them?

Assessment

To address these determining issues, it needs to be considered whether:

a) Demolition of buildings

The following HES guidance is relevant in the determination of this application:

- Managing Change - Interim guidance on the Designation of Conservation Areas and Conservation Area Consent (2019).

The site is located within the Coltbridge and Wester Coates Conservation area and the character appraisal states the following:

The Conservation Area contains two distinct character zones: Sub Area A - the streets of Victorian and Edwardian villas to the west of Donaldson's School; and Sub Area B - the tenements and stone built terraces of Roseburn further west. The site of this proposal is in Sub Area A.

Sub Area A is predominantly comprised of two and three storey Victorian sandstone villas from the 1850s which face the street with impressive front gardens. Additional Edwardian stone villas were consequently built along Wester Coates Gardens around 1904, including the Category C listed neo-Jacobian flatted building, 12 Wester Gardens, immediately east of the site.

The Appraisal states, 'the original development pattern has been eroded by unsympathetic changes and extensions' such as the introduction of new houses in back gardens around Wester Coates Gardens.'

Although the area is characterised by a mix of architectural styles and materials, there is 'considerable uniformity by maintaining front building lines' a generosity of proportions, traditional stone walls and pitched slate roofing.'

The existing 1970s prefabricated bungalow has yellow monotone bricks and non-traditional roof tiles of low architectural quality. The building is not listed as a building of architectural or historic interest under the Planning (Listed Building and Conservation Areas) (Scotland) Act 1997.

When assessed against the Coltbridge and Wester Coates Conservation Area Character Appraisal which highlights the essential characteristics of the area, the building is atypical. The building is a Post War infill development in the former gardens of an Edwardian villa. The scale and lack of distinctive detailing is not consistent with the stylistic influences of Victorian/Edwardian architecture throughout the area.

Whilst atypical buildings can make a positive contribution to conservation areas, in this case the building and its detailing are not of sufficient quality to merit retention on this basis. As the building does not positively impact on the character and appearance of the conservation area, there is no strong presumption against its demolition.

The Edinburgh Design Guidance (2020) states that when assessing whether or not an unlisted building makes a positive contribution to the special architectural or historic interest of a conservation area, questions of age, style, material and historical significance should be considered.

The age, style and materials of the existing building do not reflect the substantial built character of the conservation area and do not relate in any historically significant way to the adjacent C listed building, nor do they contribute to its setting.

The existing building reflects the development of the conservation area to the extent that it is one of multiple local Post War examples, however these buildings typically detract from the character of the area.

The building does not have significant historic associations and does not have landmark quality by virtue of only the roof being visible from the street. The existing bungalow therefore does not reflect in style or material the traditional grandeur of the Victorian and Edwardian villas.

Guidance states that redevelopment of buildings which are considered by their appearance and scale to be detrimental to the character of the area will be encouraged.

Historic Environment Scotland was consulted on the proposal and have no comments to make, subject to the application being determined in accordance with national and local policy. In its guidance on conservation area consent they state:

'in deciding whether conservation area consent should be granted, planning authorities should take account of the importance of the building to the character or appearance of any part of the conservation area, and of proposals for the future of the cleared site.'

The scale, form and design of the building does not play any significant role in the character or appearance of the surrounding streetscape. In addition, the building does not contribute to any important views within the area. As the building is of limited importance to the character and appearance of a conservation area, a condition survey or the marketability of alternative uses is not required to be demonstrated. The demolition of the building is to facilitate a development of high quality and the merits of the alternative proposals outweigh the loss of the existing building.

The merits of the replacement building are addressed in the concurrent application for planning permission, 22/03600/FUL.

Conclusion in relation to the conservation area

With regards to Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, the demolition of the building is therefore acceptable.

b) There are any other matters to consider?

The following matters have been identified for consideration:

Equalities and human rights

Due regard has been given to section 149 of the Equalities Act 2010. No impacts have been identified.

Consideration has been given to human rights. No impacts have been identified through the assessment and no comments have been received in relation to human rights.

Public representations

A summary of the representations is provided below:

material considerations

- The building should be saved as it makes a neutral contribution to the character of the conservation area. Addressed in the assessment section.

non-material considerations

- Reference to the inappropriate design of the replacement building - this is assessed under planning application 22/03600/FUL.
- Amenity issues in relation to demolition and construction phase - this does not preclude assessment of the proposal. Addressed in 22/03600/FUL.
- Proposal for demolition as opposed to refurbishment is not fully justified with regard to embodied carbon emissions. Addressed in 22/03600/FUL.

Conclusion in relation to other matters considered

The material issues have been identified and addressed. There are no new material issues to address.

Overall conclusion

The proposed demolition of the existing building is acceptable with regards to Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

Conditions:-

1. The proposed demolition of the existing building will not commence until planning permission for the associated development has been granted (22/03600/FUL).

Reasons: -

1. In order to safeguard the character of the conservation area.

Background Reading/External References

To view details of the application go to the [Planning Portal](#)

Further Information - Local Development Plan

Date Registered: 20 July 2022

Drawing Numbers/Scheme

01-04

Scheme 1

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Simon Wasser, Assistant Planning Officer
E-mail:simon.wasser@edinburgh.gov.uk

Summary of Consultation Responses

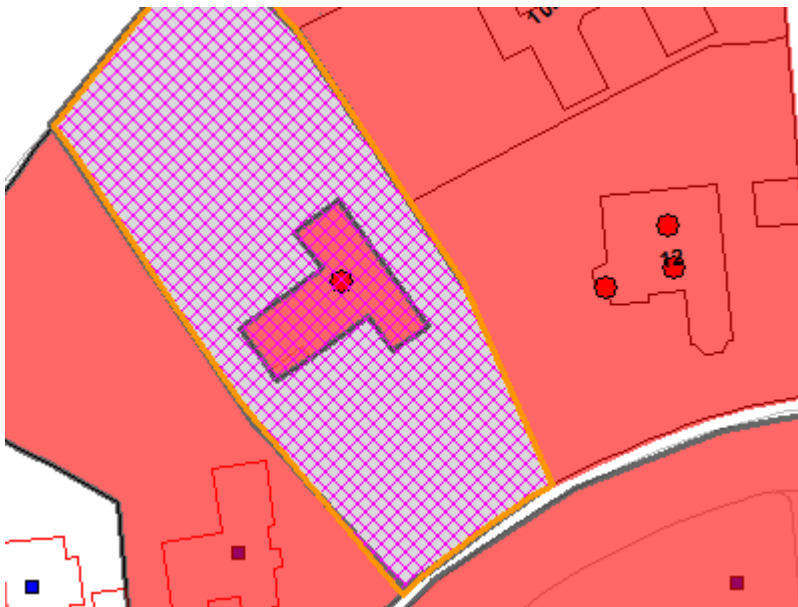
NAME: Historic Environment Scotland

COMMENT: We have considered the information received and do not have any comments to make on the proposals. Our decision not to provide comments should not be taken as our support for the proposals. This application should be determined in accordance with national and local policy on listed building/conservation area consent, together with related policy guidance.

DATE:

The full consultation response can be viewed on the [Planning & Building Standards Portal](#).

Location Plan



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Report of Handling

Wednesday 11 January 2023

**Application for Hazardous Substance Consent
10 Wheatfield Road, Edinburgh, EH11 2QA**

**Proposal: Application for a Planning (Hazardous Substances)
Consent Variation**

**Item – Committee Decision
Application Number – 20/01709/HSC
Ward – B07 - Sighthill/Gorgie**

Reasons for Referral to Committee

The application has been referred to the Development Management Sub-Committee because the application is for a Hazardous Substance Consent.

Recommendation

It is recommended that this application be **Granted** subject to the details below.

Summary

In accordance with the Planning (Hazardous Substances) (Scotland) Act 1997, the application to vary the inventory of substances kept on the site is acceptable in terms of the risk to the surrounding land, neighbouring occupiers, and the development plan. There are no material considerations that outweighs this. It is recommended that the Development Management Sub Committee approve this application.

SECTION A – Application Background

Site Description

The site is the Macfarlan Smith Ltd and is a large industrial complex, divided into three parts with an east site, west site, and staff parking to the south. A railway splits through the site with Westfield Road to the north and Wheatfield Road to the south.

The premise is regulated by the Competent Authority (Health and Safety Executive (HSE) and SEPA) as a Lower Tier COMAH Establishment. Macfarlan Smith Ltd handle a wide range of Dangerous Substances. Activities undertaken include the Manufacture of Pharmaceutical Products and Intermediates. The site includes 120 blocks with hazardous substances stored in fixed and mobile bunds.

The existing North British Distillery is located to the east of the site. On the south side of Wheatfield Road is a secured area for staff parking and to the south-west is a supermarket. Westfield Road bounds the northern edge of the site, with a railway line, Murrayfield stadium and other commercial buildings beyond. The closest residential properties are on Wheatfield Road further south of the site.

Description of the Proposal

The application is for a hazardous substances consent (HSC) under Planning (Hazardous Substances) (Scotland) Act 1997.

Due to the passage of time, and alterations to consent limits, the site is applying for a new consent to bring together three previous consents, and to account for current operating requirements. The proposal seeks to vary the inventory and quantity of hazardous substances kept on the site.

The following are the hazardous substances, locations, and maximum quantities of moveable containers to be contained on site at any one time, for which these hazardous substances consent is sought. The hazardous substances are outlined below in accordance with their classification contained within the Hazardous Substances Regulations.

Storage Area on Site	Hazardous Substance	Hazardous Substance	Maximum Capacity of Area	Maximum capacity (cubic metres) of individual moveable containers
Location of Bund	Existing 2009 Consent	New		
East site				
EB01 as shown on Drawing 01 and 07.	Corrosives	Flammable P5c	25te	1000litres IBC
EB02 as shown on Drawing 01 and 07.	Ammonia	H2 Toxic (Chloroform)	95te	200litre drums
EB03 as	Ammonia or	H1, H2, H3 Toxic &	30te	H2, H3 Toxic

shown on Drawing 01 and 07.	Toxic B2	E1 (Note: only 3.5te of materials classified as H1 will be stored in this area)		and E1 – 1000litres IBC H1 Toxic – 30Kg containers
EB04	Highly Flammable Toxic B2	N/A	N/A	N/A
EB08 as shown on Drawing 01.	Highly Flammable	Flammable P5c Toxic H2 Hazardous to Environment E1	3te	200litre drum
EB09 as shown on Drawing 01.	Highly Flammable Toxic B2 Formaldehyde	Methanol Flammable P5c Toxic H2	5te	200litre drum
EB10 as shown on Drawing 01.	Some Flammable B8, Flammable B6 and some Aqueous	Flammable P5c Toxic H2 Toxic H3 Hazardous to Environment E1	70te Flammable 20te Toxic 1te E1	1000litres IBC
EB14 as shown on Drawing 01 and 07.	Hydrogen	Hydrogen	3te	30kg cylinder
EB15 as shown on Drawing 01 and 07.	Some Flammable B8, Flammable B6 and some Aqueous	Flammable P5c	50te	1000litres IBC
Block 22 Fridge as shown on Drawing 01.	Very Toxic B1	Toxic H1	1te	30litre container
Block 20 Fridge as shown on Drawing 01.	None	Toxic H2	1te	200litre drums
Block 11 storage as shown on	Toxic B2 Solids Corrosive Solids	Toxic H2	6te	50kg drum

Drawing 01 and 07.	Flammable Solids	O1 O2		
Block 2 Packaging as shown on Drawing 01 and 07.	Toxic B2 Solids Very Toxic B1 Solids	Toxic H2 and H3	20te	25kg drum
		Toxic H1	0.1te	5kg container
Block 12 Cabinet as shown on Drawing 01 and 07.	None	Flammable P5c	6te	200litre drum
Block 12/1 Cabinet as shown on Drawing 01 and 07.	None	Flammable P5c	6te	200litre drum
Block 20 Store as shown on Drawing 01 and 07.	Toxic B2 Solids Very Toxic B1 Solids	Toxic H2	47te	25kg drum
		Toxic H1	0.1te	5kg container
		Hazardous to Environment E1	0.1te	25kg drum
Cylinder (east site)	Extremely Flammable B9	N/A	N/A	N/A
Block 18 Development Strong Room as shown on Drawing 01 and 07.	None	Toxic H2	0.1te	25gram container
Block 18 G3 / Safe / Main Safe as shown on Drawing 01 and 07.	None	Toxic H2 Toxic H3	0.1te	10kg container
Block 13/1 as shown on Drawing 01	None	Toxic H2	0.2te	25kg drum

and 07.				
Block 8 as shown on Drawing 01 and 07.	None	Toxic H2	0.5te	25kg drum
West site				
WB01 as shown on Drawing 01.	Highly Flammable B8 Flammable B6 Corrosive Toxic B2	Flammable P5c Toxic H2	72te	1000litres IBC
WB02 as shown on Drawing 01.	Highly Flammable B8 Flammable B6 Extremely Flammable B9	Methanol Flammable P5c	120te	1000litres IBC
WB03 as shown on Drawing 01.	Highly Flammable	Flammable P5c	55te	1000litres IBC
WB04	N/A	N/A	N/A	N/A
WB06	N/A	N/A	N/A	N/A
WB07	N/A	N/A	N/A	N/A
WB08 as shown on Drawing 01 and 07.	Highly Flammable B8 Flammable B6	Flammable P5c or Toxic H2 (Chloroform)	56te	1000litres IBC
WB09 as shown on Drawing 01 and 07.	Highly Flammable B8 Flammable B6	Flammable P5c or Toxic H2 (Chloroform)	35te	1000litres IBC
WB10 as shown on Drawing 01 and 07.	Highly Flammable B8 Flammable B6 Corrosive	Flammable P5c	150te	1000litres IBC
WB19 as shown on Drawing 01 and 07.	Flammable B6 Toxic B2	Flammable P5c	50te	1000litres IBC
WB20 as shown on	Corrosives	N/A	N/A	N/A

Drawing 01 and 07.				
WB21 as shown on Drawing 01 and 07.	Corrosives	N/A	N/A	N/A
WB28 as shown on Drawing 01 and 07.	Highly Flammable B8	Flammable P5c	8te	1000litres IBC
Hydrogen Storage 1	Hydrogen A11	N/A	N/A	N/A
Cylinder Store as shown on Drawing 01.	Extremely Flammable B9 Toxic B1	Hydrogen/Flammable Gas P2 Hydrogen Chloride/Toxic H2	400kg	37kg cylinder
Block 104 Storage Cabinet as shown on Drawing 01.	Oxidising B3 or Toxic B2	Toxic H2	1te	25kg drum
Block 104 Store as shown on Drawing 01.	Toxic B2 Solids	Toxic H2	5te	25kg drum
Block 118 Storage as shown on Drawing 01.	Toxic B2 Solids	Toxic H2	6te	25kg drum
Block 115 Storage as shown on Drawing 01.	Toxic B2 Solids	Toxic H2	20te	25kg drum
West Tank Farm Storage Cabinet as shown on Drawing 01.	None	Toxic H2	0.5te	200litre drum
Storage Cabinet as shown on Drawing 01.	Oxidising B3 or Toxic B2	Oxidising Liquid/Solid P8	1te	50 litre containers

Block 108 Storage as shown on Drawing 01.	None	Toxic H2	10te	25kg drum
Block 105 Storage as shown on Drawing 01 and 07.	N/A	N/A	N/A	N/A
Oil Storage as shown on Drawing 01.	None	Hazardous to Environment E2	0.4te	200litre drum

Relevant Site History

10/01205/HSC
10 Wheatfield Road
Edinburgh
EH11 2QA
Change the storage and inventory of chemicals.
Granted

25 November 2010

04/00946/HSC
Wheatfield Road
Edinburgh
EH11 2QA
Storage of hazardous substances
Granted

22 December 2005

05/04326/HSC
10 Wheatfield Road
Edinburgh
EH11 2QA
Addition of further vessels and processing equipment to existing Block 120 building
Granted

13 April 2006

06/02587/HSC
10 Wheatfield Road
Edinburgh
EH11 2QA

Minor amendment to condition 3 of 05/04326/HSC for block120 to alter to block120 phase 2.
Granted

14 September 2006

Other Relevant Site History

None.

Consultation Engagement

Health and Safety Executive

NatureScot

SEPA

Gorgie Dalry Community Council

Publicity and Public Engagement

Date of Neighbour Notification: 27 April 2020

Date of Advertisement: 1 May 2020

Date of Site Notice: Not Applicable

Number of Contributors: 0

Section B - Assessment

Determining Issues

This report will consider each hazardous substance under Section 7 (2) and (3) of the Planning (Hazardous Substances) (Scotland) Act 1997 with the following specified considerations under Section 7 (2):

- (a) to any current or contemplated use of the land to which the application relates;
- (b) to the way in which land in the vicinity is being used or is likely to be used;
- (c) to any planning permission or development consent that has been granted for development of land in the vicinity;
- (d) to the provisions of the development plan and
- (e) to any advice which the safety regulator has given following consultations in pursuance of regulations under section 5(2) of the Act

In the assessment of material considerations this report will consider:

- the Scottish Planning Policy presumption in favour of sustainable development, which is a significant material consideration due to the development plan being over 5 years old;
- equalities and human rights;
- public representations and
- any other identified material considerations.

Assessment

a) Current or contemplated use of the land to which the application relates

The site is an established industrial complex that specialises in pharmaceutical products and intermediates. The current use of the land will not change as a result of this Hazardous Substance Consent (HSC) and the proposal is therefore justified.

b) The way in which land in the vicinity is being used or is likely to be used

To the north of the site is the West Approach Road, an arterial route into the city. To the east, is the North British Distillery. The former Tynecastle High School on Macleod Street remains vacant and planning permission was recently refused for a change of use of the premises to student housing (application reference, 21/04469/FUL). That refusal is currently the subject of an appeal with Scottish Ministers (appeal reference: PPA-230-2393). Tynecastle Park stadium is located on McLeod Street to the south of the site where the existing stand was recently upgraded. The stadium includes a children's nursery also (application reference, 16/03823/FUL). To the west of the site at 36 - 44 Westfield Road, an application for planning permission for the demolition of existing office and erection of student accommodation was submitted on 30 May 2022 (application reference, 22/02539/FUL). The status of the application is pending.

Both the distillery and the stadium have existed next to one another for over a hundred of years. Pool fire calculations contained in the submitted Consequence Modelling demonstrates that each hazard zone would remain within their respective zones and there is no requirement to increase any of the inner, middle and outer zones. In addition, there are no listed buildings within the inner, middle and outer zones. The nearest listed building is located over 200 metres south east from the site on 258-266 Gorgie Road (category C listed, date of listing 2/9/1993, listing reference: LB26851).

The proposal to increase the inventory of substances kept on the site will not compromise the way in which land in the vicinity is being used or is likely to be used.

c) Planning permissions that have been granted for development of land in the vicinity

The proposed HSC does not necessitate a requirement to increase the existing inner, middle and outer zones. Therefore, any other planning permission granted within the vicinity of the zones will not be compromised as a result of this HSC.

d) The Development Plan

The adopted Edinburgh Development Plan does not have any specific policy or designation in relation to hazardous substances consent. However, Policy Env 22 - Pollution and Air, Water and Soil Quality, of the Edinburgh Local Development Plan (LDP) states that planning permission will only be granted where there will be no significant effects for health, the environment and amenity. The approach of this policy to pollution, air, water and soil quality, can be considered a material consideration in respect of this HSC application in that the LDP clearly sets out to protect health.

Consultation with the Competent Authority (Health and Safety Executive (HSE) and SEPA) was carried out and no objection was raised. The HSC application to vary the inventory of substances on the site do not raise new issues in relation to public health.

e) Health and Safety Executive advice

The Health and Safety Executive was consulted on the application and assessed the risks to surrounding areas. They initially assessed that the proposals as submitted would have been incompatible with its surroundings. Clarification from the applicant was sought on the maximum capacity of moveable containers used to store and transport H1 Toxic substances within the establishment. It was confirmed that the maximum moveable container capacity for H1 Toxic substances at the establishment is 30Kg which is different from the information listed on the application form. Therefore, HSE advised that the revised table be included in the decision notice. This is to make it clear what information HSE based their assessment on.

Subject to conditions, HSE has concluded that risks to the surrounding population arising from the proposed operations are sufficiently small that there are no significant reasons for refusing Hazardous Substances Consent on safety grounds.

f) There are any other material considerations which must be addressed?

The following material planning considerations have been identified:

SPP - Sustainable development

Scottish Planning Policy (SPP) is a significant material consideration due to the LDP being over 5 years old. Paragraph 28 of SPP gives a presumption in favour of development which contributes to sustainable development. Paragraph 29 outlines the thirteen principles which should guide the assessment of sustainable development. The proposal complies with Paragraph 29 of SPP in terms of making efficient use of existing capacities of land and considering the implications for water, air and soil quality.

Emerging policy context

The Revised Draft National Planning Framework 4 was laid before the Scottish Parliament on 08 November 2022 for approval. As it has not completed its parliamentary process, only limited weight can be attached to it as a material consideration in the determination of this application.

On 30 November 2022 the Planning Committee approved the Schedule 4 summaries and responses to Representations made, to be submitted with the Proposed City Plan 2030 and its supporting documents for Examination in terms of Section 19 of the Town and Country Planning (Scotland) Act 1997. At this time little weight can be attached to it as a material consideration in the determination of this application.

Equalities and human rights

Due regard has been given to section 149 of the Equalities Act 2010. No impacts have been identified.

Consideration has been given to human rights. No impacts have been identified through the assessment and no comments have been received in relation to human rights.

Public representations

No comments were received.

Conclusion in relation to identified material considerations

The other material considerations have been identified and addressed. There are no new material considerations.

Overall conclusion

In accordance with the Planning (Hazardous Substances) (Scotland) Act 1997, the application to vary the inventory of substances kept on the site is acceptable in terms of the risk to the surrounding land, neighbouring occupiers, and the development plan. There are no material considerations that outweighs this. It is recommended that the Development Management Sub Committee approve this application.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

Conditions: -

1. Notwithstanding the submitted application form, this Hazardous Substance Consent relates to the following substances and the maximum quantity permitted for each substance:

Location of Bund	Hazardous Substance Existing 2009	Hazardous Substance New	Maximum Capacity of Area	Maximum capacity (cubic metres) of individual

				moveable containers
East site				
EB01 as shown on Drawing 01 and 07.	Corrosives	Flammable P5c	25te	1000litres IBC
EB02 as shown on Drawing 01 and 07.	Ammonia	H2 Toxic (Chloroform)	95te	200litre drums
EB03 as shown on Drawing 01 and 07.	Ammonia or Toxic B2	H1, H2, H3 Toxic & E1 (Note: only 3.5te of materials classified as H1 will be stored in this area)	30te	H2, H3 Toxic and E1 – 1000litres IBC H1 Toxic – 30Kg containers
EB04	Highly Flammable Toxic B2	N/A	N/A	N/A
EB08 as shown on Drawing 01.	Highly Flammable	Flammable P5c Toxic H2 Hazardous to Environment E1	3te	200litre drum
EB09 as shown on Drawing 01.	Highly Flammable Toxic B2 Formaldehyde	Methanol Flammable P5c Toxic H2	5te	200litre drum
EB10 as shown on Drawing 01.	Some Flammable B8, Flammable B6 and some Aqueous	Flammable P5c Toxic H2 Toxic H3 Hazardous to Environment E1	70te Flammable 20te Toxic 1te E1	1000litres IBC
EB14 as shown on Drawing 01 and 07.	Hydrogen	Hydrogen	3te	30kg cylinder
EB15 as shown on Drawing 01	Some Flammable B8, Flammable B6	Flammable P5c	50te	1000litres IBC

and 07.	and some Aqueous			
Block 22 Fridge as shown on Drawing 01.	Very Toxic B1	Toxic H1	1te	30litre container
Block 20 Fridge as shown on Drawing 01.	None	Toxic H2	1te	200litre drums
Block 11 storage as shown on Drawing 01 and 07.	Toxic B2 Solids Corrosive Solids Flammable Solids	Toxic H2 O1 O2	6te	50kg drum
Block 2 Packaging as shown on Drawing 01 and 07.	Toxic B2 Solids Very Toxic B1 Solids	Toxic H2 and H3	20te	25kg drum
		Toxic H1	0.1te	5kg container
Block 12 Cabinet as shown on Drawing 01 and 07.	None	Flammable P5c	6te	200litre drum
Block 12/1 Cabinet as shown on Drawing 01 and 07.	None	Flammable P5c	6te	200litre drum
Block 20 Store as shown on Drawing 01 and 07.	Toxic B2 Solids Very Toxic B1 Solids	Toxic H2	47te	25kg drum
		Toxic H1	0.1te	5kg container
		Hazardous to Environment E1	0.1te	25kg drum
Cylinder (east site)	Extremely Flammable B9	N/A	N/A	N/A
Block 18 Development Strong Room	None	Toxic H2	0.1te	25gram container

as shown on Drawing 01 and 07.				
Block 18 G3 / Safe / Main Safe as shown on Drawing 01 and 07.	None	Toxic H2 Toxic H3	0.1te	10kg container
Block 13/1 as shown on Drawing 01 and 07.	None	Toxic H2	0.2te	25kg drum
Block 8 as shown on Drawing 01 and 07.	None	Toxic H2	0.5te	25kg drum
West site				
WB01 as shown on Drawing 01.	Highly Flammable B8 Flammable B6 Corrosive Toxic B2	Flammable P5c Toxic H2	72te	1000litres IBC
WB02 as shown on Drawing 01.	Highly Flammable B8 Flammable B6 Extremely Flammable B9	Methanol Flammable P5c	120te	1000litres IBC
WB03 as shown on Drawing 01.	Highly Flammable	Flammable P5c	55te	1000litres IBC
WB04	N/A	N/A	N/A	N/A
WB06	N/A	N/A	N/A	N/A
WB07	N/A	N/A	N/A	N/A
WB08 as shown on Drawing 01 and 07.	Highly Flammable B8 Flammable B6	Flammable P5c or Toxic H2 (Chloroform)	56te	1000litres IBC
WB09 as shown on Drawing 01	Highly Flammable B8 Flammable B6	Flammable P5c or Toxic H2 (Chloroform)	35te	1000litres IBC

and 07.				
WB10 as shown on Drawing 01 and 07.	Highly Flammable B8 Flammable B6 Corrosive	Flammable P5c	150te	1000litres IBC
WB19 as shown on Drawing 01 and 07.	Flammable B6 Toxic B2	Flammable P5c	50te	1000litres IBC
WB20 as shown on Drawing 01 and 07.	Corrosives	N/A	N/A	N/A
WB21 as shown on Drawing 01 and 07.	Corrosives	N/A	N/A	N/A
WB28 as shown on Drawing 01 and 07.	Highly Flammable B8	Flammable P5c	8te	1000litres IBC
Hydrogen Storage 1	Hydrogen A11	N/A	N/A	N/A
Cylinder Store as shown on Drawing 01.	Extremely Flammable B9 Toxic B1	Hydrogen/Flammable Gas P2 Hydrogen Chloride/Toxic H2	400kg	37kg cylinder
Block 104 Storage Cabinet as shown on Drawing 01.	Oxidising B3 or Toxic B2	Toxic H2	1te	25kg drum
Block 104 Store as shown on Drawing 01.	Toxic B2 Solids	Toxic H2	5te	25kg drum
Block 118 Storage as shown on Drawing 01.	Toxic B2 Solids	Toxic H2	6te	25kg drum
Block 115	Toxic B2 Solids	Toxic H2	20te	25kg drum

Storage as shown on Drawing 01.				
West Tank Farm Storage Cabinet as shown on Drawing 01.	None	Toxic H2	0.5te	200litre drum
Storage Cabinet as shown on Drawing 01.	Oxidising B3 or Toxic B2	Oxidising Liquid/Solid P8	1te	50 litre container
Block 108 Storage as shown on Drawing 01.	None	Toxic H2	10te	25kg drum
Block 105 Storage as shown on Drawing 01 and 07.	N/A	N/A	N/A	N/A
Oil Storage as shown on Drawing 01.	None	Hazardous to Environment E2	0.4te	200litre drum

2. The hazardous substance(s) shall not be kept or used other than in accordance with the particulars provided in the application for Hazardous Substances Consent reference 20/01709/HSC and its supporting documents, or outside the areas marked for storage or use of the substance(s) as shown on Drawing 01 and Drawing 02 which formed part of this application.
3. Other than Bitrex (i.e., denatonium benzoate), no Toxic (B2) substances kept on site shall have an LC50 (4hr/rat) less than 0.5 mg/l.
4. The maximum moveable container size for any pure or highly concentrated liquid substance that is classified as H2 Acute Toxic Category 2 - all routes / Category 3 - inhalation and which has a boiling point <75 °C shall be 200 litres.
5. Any propionitrile held on site shall be classified as H1 Acute Toxic Category 1 - all routes and shall be accommodated within the overall Consented quantity of 3.5 metric tonne (te) for substances in this category.
6. The total quantity at any one time of substances classified as H1 Acute Toxic Category 1 - all routes in Block 120 Phase II shall be limited to 300 kg.

7. The total quantity at any one time of substances classified as H2 Acute Toxic Category 2 – all routes / Category 3 – inhalation in Block 120 Phase II shall be limited to 10 metric tonnes (te).

Reasons

1. To safeguard public safety.
2. To safeguard public safety.
3. To safeguard public safety.
4. To safeguard public safety.
5. To safeguard public safety.
6. To safeguard public safety.
7. To safeguard public safety.

Background Reading/External References

To view details of the application go to the [Planning Portal](#)

Further Information - [Local Development Plan](#)

Date Registered: 20 April 2020

Drawing Numbers/Scheme

01-08.

Scheme 1

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Laura Marshall, Planning Officer
E-mail:laura.marshall@edinburgh.gov.uk

Appendix 1

Consultations

NAME: Health and Safety Executive
COMMENT: No objection subject to conditions.
DATE: 11 March 2022

NAME: NatureScot
COMMENT: We have no comments to make to this application.
DATE: 15 May 2020

NAME: SEPA
COMMENT: We have no objection to this application.
DATE: 25 May 2020

NAME: Gorgie Dalry Community Council
COMMENT: No comments were received.

The full consultation response can be viewed on the [Planning & Building Standards Portal](#).

Location Plan



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Development Management Sub-Committee Report

Wednesday 11 January 2023

**Application for Planning Permission
229 Willowbrae Road, Edinburgh, EH8 7ND**

Proposal: A residential development consisting of 48 apartments with a commercial unit at ground level.

**Item – Committee Decision
Application Number – 22/02740/FUL
Ward – B14 - Craigentenny/Duddingston**

Reasons for Referral to Committee

The application is referred to the Development Management Sub-Committee as the number of objection comments exceeds the threshold of the Council's Scheme of Delegation.

Recommendation

It is recommended that this application be **Granted** subject to the details below.

Summary

The proposal is acceptable with regard to Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 in that it will preserve the setting of nearby listed buildings.

Overall, the development is in accordance with the development plan. The development provides high density housing in a sustainable location and will have a positive impact on the character of the surrounding neighbourhood. An acceptable amount of car and cycle parking and amenity open space is provided. The housing mix provides an acceptable range of accommodation sizes and includes on site affordable housing provision. The proposals are an acceptable design, scale, height, and density and are appropriate for the location.

The proposal complies with the policy principles of sustainable development set out in Scottish Planning Policy (SPP).

There are no material considerations which outweigh the proposal's accordance with the Development Plan.

SECTION A – Application Background

Site description

The site measures 0.34 hectares and is located on Willowbrae Road, at the junction with Northfield Drive. It is the former site of the Radical Road public house and restaurant and a single storey retail unit formerly occupied by a fish and chip takeaway and bookmaker's outlet. Most buildings on site have been demolished and the site is currently largely brownfield in nature, with the exception of the retail unit which is currently present and operational. An operational telecoms mast is located within in the southeast of the site within the site boundary which will be retained in situ.

The site has a prominent frontage onto Willowbrae Road and Northfield Drive. Willowbrae Road is a principal route into the city centre and provides frequent bus services, with southeast and northwest bound bus stops located within 100m of the site. Northfield Drive is a local access road and additional bus services run along Northfield Broadway, which branches to the northeast from the corner adjacent to the site.

The site slopes from east to west by approximately 3m. Land to the immediate southeast of the site is occupied by a single storey car showroom with forecourt area to the frontage onto Willowbrae Road. An area of public allotments is located to the immediate southeast of the site. Beyond this, the land slopes downwards and land to the east and northeast of the site is occupied by a residential development of three to five storey flatted blocks along Northfield Drive. The triangle of land opposite the site to the immediate northwest is occupied by an area of amenity open green space containing a number of mature trees.

Land immediately opposite the site on Willowbrae Road is occupied by a Premier Inn hotel which includes a two-storey stone villa with modern extensions to the rear, set back within garden grounds. A petrol filling station and forecourt is situated adjacent to the hotel. Two residential three/ three-and-a-half storey flatted blocks are located to the immediate northwest of the petrol filling station, fronting onto Willowbrae Road.

There are several listed buildings within visual proximity of the site, located between 50m and 100m to the south along Willowbrae Road. These are.

- 260 Willowbrae Road (Cat B, ref LB29933, listed 14th June 1966),
- Duddingston Forge at 243 Duddingston Road (Cat B, ref LB29937, listed 20 February 1985),
- 126 Duddingston Road (Cat B, ref LB29936, listed 14th December 1970),
- Mill cottages at 1-5 Duddingston Mills (Cat C, ref LB29940, listed 19th January 1982)
- 31-33 Duddingston Mills (Cat C, ref LB49041, listed 19th December 1982).

Description of the Proposal

The proposal is for the erection of a residential led development, comprising 48 apartments with a 163 sqm commercial unit at ground floor and associated access and landscaping. The commercial unit is proposed for use as a hot food takeaway (sui generis).

The development will consist of a single building, arranged in a crescent form facing onto the corner of Willowbrae Road and Northfield Drive. The building frontage onto Willowbrae Road is four storeys in height and steps down into the sloping site to incorporate a lower ground floor level to the rear of the building. The roof form will be flat. The hot food takeaway unit is located at the southern end of the development at ground floor level and will have a separate entrance facing onto Willowbrae Road.

The building is arranged around three separate stair cores, with access to these provided on both the front and rear elevations. A lift will be provided in each stair core providing accessibility to all apartments.

The development comprises 48 residential apartments which are a mix of one to three bedroom in size. A housing mix of 17 one-bedroom apartments, 20 two-bedroom apartments and 11 three-bedroom apartments is proposed.

The development will include twelve affordable homes (25% provision) which are a mix of one to three bedroom in size, as per the properties for sale. This will be accessed via single stair core. An affordable housing mix of three one-bedroom apartments, six two-bedroom apartments and three three-bedroom apartments is proposed.

The principal and gable elevations of the building will be finished with buff ashlar sandstone. Further detail will be provided on the principal elevation through the inclusion of sections of neutral tones acid etched cast stone, which will be incorporated in cills, lintels, and vertical forms. To the rear, a blonde facing brick is proposed.

Pedestrian access into the building will be provided from the street into three shared stairwells. Further pedestrian access is provided via a pedestrian gate onto a footpath which will connect from Northfield Drive into the site and provide connections within the site to each of the three rear access doors.

Cycle storage is provided within the building and will be accessed via the rear of the building at lower ground level. 110 cycle storage spaces are provided. The cycle storage will comprise a mix of two-tier racks (54 spaces), Sheffield type stands (34 spaces) and non-standard cycle parking spaces (22 spaces). An external short stay cycle stand with capacity for two cycles will be provided at the entrance of the commercial unit.

Vehicular access into the site is via Northfield Drive. 13 car parking spaces are provided to the rear of the building, positioned along the northern boundary of the site. A gated access point is provided into the development. Two motorcycle spaces are also provided. The car parking provision includes one accessible parking space and four spaces for electric vehicle charging.

Separate refuse stores are provided at ground floor level for residential and commercial waste. These are accessed via Willowbrae Road.

Landscaping will be provided to the front and rear of the building. A landscaped buffer strip ranging from 3m to 5m wide is proposed to the front of the building, providing separation between the building at the street. This will be interspersed with level access paths providing ramped access to the stairwell entrances to allow accessibility for all. A low boundary wall is proposed along the street boundary to define public and private spaces. A small area of public realm is proposed outside the commercial unit which will include two street trees.

Open space is provided to the rear of the site. This will include grassed areas with soft landscape planting (695 sq.m) and hard landscaped footpaths to provide connections between the properties and parking area. Nine apartments will have private balcony space to the rear of the building at first to third floor level.

The proposed layout will allow for vehicular access to be retained through the proposed parking area to the telecoms tower positioned in the south-east of the site.

Supporting Information

- Design and Access Statement
- Flood Risk Assessment and Surface Water Management Plan
- Transport Statement
- Proposed Landscape Strategy
- S1 Sustainability Form
- Energy Statement
- Noise Impact Assessment (updated)
- Affordable Housing Statement

Relevant Site History

20/02101/FUL

229 Willowbrae Road

Edinburgh

EH8 7ND

A residential led development consisting of 48 apartments over 2 apartment buildings with a commercial unit at ground floor.

Refused

14 January 2021

16/05399/FUL

235 Willowbrae Road

Edinburgh

EH8 7ND

Change of use from car showroom to purpose-built student accommodation and retail units at ground level with ancillary facilities, landscaping, access, and parking.

withdrawn

23 January 2017

17/01565/FUL

235 Willowbrae Road

Edinburgh

EH8 7ND

Planning application for full planning permission for change of use from car showroom to purpose-built student accommodation and retail units at ground level with ancillary facilities, landscaping, access, and parking.

Refused

26 May 2017

17/05809/FUL

228 Willowbrae Road

Edinburgh

EH8 7NG

Extension to the existing hotel to provide additional bedrooms and alterations to car park in addition to minor elevational changes.

Refused

4 April 2018

18/03302/FUL

228 Willowbrae Road

Edinburgh

EH8 7NG

Extension to the hotel to provide additional bedrooms and alterations to car parking in addition to elevational changes.

Refused

30 August 2018

Other Relevant Site History

No other relevant planning site history

Pre-Application process

Pre-application discussions took place on this application.

Consultation Engagement

Willowbrae and Northfield Community Council

Environmental Protection

Transport

Flooding

Affordable Housing

Waste

Scottish Water

Communities and Families

Refer to Appendix 1 for a summary of the consultation response.

Publicity and Public Engagement

Date of Neighbour Notification: 2 June 2022

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): Not Applicable.

Site Notices Date(s): Not Applicable.

Number of Contributors: 65

Section B - Assessment

Determining Issues

Due to the proposals relating to a listed building(s), this report will first consider the proposals in terms of Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997:

- Is there a strong presumption against granting planning permission due to the development harming the listed building or its setting?
- If the strong presumption against granting planning permission is engaged, are there any significant public interest advantages of the development which can only be delivered at the scheme's proposed location that are sufficient to outweigh it?

This report will then consider the proposed development under Sections 25 and 37 of the Town and Country Planning (Scotland) Act 1997 (the 1997 Act):

Do the proposals comply with the development plan?

If the proposals do comply with the development plan, are there any compelling material considerations for not approving them?

If the proposals do not comply with the development plan, are there any compelling material considerations for approving them?

In the assessment of material considerations this report will consider:

- the Scottish Planning Policy presumption in favour of sustainable development, which is a significant material consideration due to the development plan being over 5 years old.
- equalities and human rights.
- public representations; and
- any other identified material considerations.

Assessment

To address these determining issues, it needs to be considered whether:

Assessment

a) The proposals harm the listed building and its setting.

The following HES guidance is relevant in the determination of this application:

- Managing Change - Setting

Listed Buildings and Setting

The Managing Change guidance states setting can be important to the way in which historic structures or places are understood, appreciated, and experienced. It can often be integral to a historic asset's cultural significance.

Setting extends beyond the property boundary or 'curtilage' of an individual historic asset into a broader landscape context. Development proposals should seek to avoid or mitigate detrimental impacts on the settings of historic assets.

There are a number of listed buildings within proximity of the site. These are located between 50m and 100m to the south of the site. The Category B listed villa at 260 Willowbrae Road is set back from the main road in large garden grounds. This property has a number of substantial mature trees within the garden grounds which help to protect the buildings amenity and provide its setting. The villa house at 126 Duddingston Road, is also relatively visually removed due to its distance from them site and orientation onto Duddingston Road. The impact of the proposed development on these buildings and their setting is considered to be negligible.

The Category C listed cottages and tenements at Duddingston Mills and the Category B listed single storey Duddingston Forge building have a small scale and intimacy to their built character, with the buildings ranging between one and two and half storeys in height. It is recognised that the proposed development is some distance from these cottages, and therefore the impact of development on their setting is in the wider rather than immediate context.

The proposed development will introduce a tenemental building form to the streetscape which is characteristic of main thoroughfare routes across the city and will bring a good quality of development form to the local area. The proposed building has been reduced in height from the previously refused scheme on this site from five storeys to four storeys. The building from will create a strong frontage onto Willowbrae Road and respects the development pattern along Willowbrae Road, with a clear separation of private dwellings set back from the road with a landscaped buffer strip. It is considered that the proposal introduces a compatible building form to the street frontage and local area which is acceptable in this context.

Conclusion in relation to the listed buildings

Section 59 (1) the Planning (Listed Buildings and Conservation Areas) (Scotland) (Act) states that the proposals are required to preserve the setting of the listed building including any special architectural or historic interests it possesses. The ability to experience, understand and appreciate the special interest of the listed buildings would not be harmed by the proposed development. The application, therefore, complies with Section 59 of the Act.

a) The proposals comply with the development plan.

The Development Plan comprises the Strategic and Local Development Plans. The relevant Edinburgh Local Development Plan 2016 (LDP) policies to be considered are:

- LDP Environment Policy Env 3
- LDP Housing policies Hou 1, Hou 2, Hou 3, Hou 4, Hou 6
- LDP Retail policy Ret 11
- LDP Design policies Des 1, Des 3, Des 4, Des 5, Des 6, Des 7 and Des 8
- LDP Transport Policies Tra 2, Tra 3, Tra 4
- LDP Environment Policies Env 9, Env 16, Env 21, Env 22

The non-statutory Edinburgh Design Guidance is a material consideration that is relevant when considering the above policies. Supplementary Guidance set out in Developer Contributions and Infrastructure Delivery is also a material consideration.

Principle of Development

The site lies within the urban area of the adopted Edinburgh Local Development Plan where policy Hou 1 Housing Development states that priority will be given to the delivery of the housing land supply and relevant infrastructure providing proposals are compatible with other policies in the plan. It is in a sustainable location. The principle of housing in this location is therefore acceptable providing other policy criteria can be met.

The development of hot food takeaways is managed by policy Ret 11 which notes that the provision of food and drink establishments is a recognisable component of urban living and provides criteria to be met to ensure that such development will not result in any negative amenity impacts or an over-concentration of provision in a local area.

The development proposes a small scale single hot food takeaway unit which will replace the existing hot food takeaway unit on this site currently occupied by the Barracuda Fish and Chip shop, which will be demolished to make way for the development. It is the intention that the new ground floor commercial space will accommodate this existing business, therefore there will be no overall change in the provision of hot food takeaways in the local area. The applicant has provided supporting information in relation to noise and air quality which is assessed later in this report of handling. The development is therefore acceptable in principle provided it complies with other policy requirements.

Listed Buildings

The impact on neighbouring listed buildings has been assessed in section (a) above and complies with LDP Policy Env 3.

Design context, height, scale, and materials

Context

LDP Design Policies Des 1 to Des 8 set a requirement for proposals to be based on an overall design concept which draws on the positive characteristics of the surrounding area with the need for a high quality of design which is appropriate in terms of height, scale and form, layout, and materials.

The surrounding built environment is urban with a mix of building materials and styles. This part of Willowbrae Road is characterised by a historic pattern of buildings largely fronting directly onto the street and set back from the busy street frontage with generous garden grounds, interspersed with larger areas of open space such as that opposite the site to the north. There is also a mix of modern developments within the urban pattern such as the adjacent car sales garage and petrol filling station which do not fit this pattern, and which have over time eroded the predominant pattern of development in the area. It is important therefore to ensure that new development does not further erode the pattern of development and will make a positive contribution to the overall quality of the urban environment.

The previously refused application (reference 20/02101/FUL) proposed two pavilion style residential blocks on the site, set within an area of landscaped green open space with car parking to the rear. Much of the green space provided on site was located between and in front of the buildings and did not provide a good level of amenity for occupiers, particularly given the site's location on a major thoroughfare. The proposed layout of that scheme did not form a strong frontage onto the street corner of Willowbrae Road and Northfield Drive and was not considered to make a positive contribution to the overall quality of the built context in this regard.

The site layout proposed in the current application allows the building to form a strong crescent-shaped frontage with the street, which clearly defines the street corner, whilst bringing a density of development to the site which is appropriate for a main route within the city. The building is set back from the street frontage by a landscaped buffer strip which provides a clear separation between public and private space.

The provision of open space to the rear of the building allows good quality, usable open space to be provided for residential amenity. Car parking will be provided to the rear of the building and is positioned along the site boundary. This arrangement benefits the amenity and usability of the green space to the rear by providing a direct connection from the rear entrances to the apartments onto the green space and will not impact adversely on the appearance of the building from the street frontage. The appearance of the building is clearly residential in character and provides a legible use within the context area.

Height, scale, and massing

LDP Policy Des 4 seeks to ensure that new development is compatible with the surrounding area in terms of height and form as well as scale and proportion. Building heights along this part of Willowbrae Road are currently mixed, ranging from two storeys to four storeys in height.

The two apartment buildings proposed in the previously refused planning application were both five storeys in height onto the street frontage, dropping down to include a partial sixth lower-ground storey to the rear elevation. That development proposal provided the same quantum of development (48 apartments and a ground floor hot food takeaway) as the development proposed in this application. The revised scheme set out in this application will create a four-storey frontage onto Willowbrae Road, dropping down to include a partial fifth lower-ground storey on its rear elevation where the site level falls. It is therefore a storey less in height yet achieves the same density of development on the site.

The proposed building is a maximum height of 45.76m AOD. This is a comparable height to the residential building located diagonally opposite the site at 224 Willowbrae Road, which reaches 45.68m AOD in height. It is noted that there are a several five storey residential properties located in the nearby Northfield neighbourhood, however these sit at a significantly lower level than the site itself, and do not provide a comparable measure in relation to appropriate building height.

The proposed development therefore provides a more appropriate fit with the surrounding building heights, whilst allowing a built form and density to be achieved on the site which will make a positive contribution to the overall structure of the built environment. The proposed form and massing of the building creates a strong frontage onto the corner of Willowbrae Road/ Northfield Drive which clearly defines the street edge and provides a development form which could be extended and replicated, should adjacent sites be redeveloped in the future.

The applicant has undertaken a visual assessment of the proposed development and has considered the impact of the development on local and wider key city views. The visual impact of the development is considered to be acceptable in this regard.

On balance, the building height, form, and massing is considered to be acceptable as it will help to define the street corner in a positive manner and help to create a strong, defensible built form pattern that will reflect positively given the overall mix of built form in the surrounding area and its location within the wider city context.

Materials and detailing

There is a mixed quality of building forms, materials, and detailing present in the surrounding area, but given the visual prominence of this site on the corner of a main thoroughfare, the use of high-quality materials is encouraged and supported, as is detailing in the built form which clearly demonstrates its use as a residential building.

The proposed building materials include buff ashlar sandstone to the principle and side elevations, acid etched cast stone detailing on the front elevation of the building and buff brick to the rear of the building. Doors and windows will have bronze PPC aluminium frames and detailing. The proposed materials are of a high quality and will help to improve the overall appearance of the surrounding area.

The building will have a flat roof and has a contemporary tenemental appearance in its detailing, with communal stairwell entrances located along its frontage onto Willowbrae Road. The use of acid etched cast stone detailing between ground and first floor levels helps to define the frontage and creates a simple variation in the elevation. The materials and detailing provide a simple and legible residential building appearance.

The provision of balcony space on the rear elevation provides additional outdoor amenity space to residents and will overlook the rear courtyard space.

The provision of a landscape buffer strip along the frontage of the building and the street provides a clear separation of public and private space and helps to soften the hard landscape of the street. Two feature street trees will also be provided at the entrance to the commercial unit which further soften the relationship between the built form and the street frontage.

Overall, the mix of materials and use of detailing provides a well-balanced appearance which relates successfully with the surrounding built context. A condition will be added to the consent to ensure that materials are approved prior to construction on site. The proposals comply with the Local Development Plan in this regard and are acceptable.

Residential Amenity

Existing residents

LDP Policy Des 5 Amenity seeks to ensure that new development meets the needs of the users and occupiers, with consideration given to impacts on neighbouring properties to ensure no unreasonable noise impact or loss of daylight, sunlight, or privacy. The Edinburgh Design Guidance provides further advice in relation to assessing that adequate sunlight, daylight and outlook is achieved for new and existing residents.

The proposal is positioned a sufficient distance away (22m minimum) from neighbouring residential properties to ensure that there will be no adverse impacts on existing amenity in terms of overshadowing and privacy. The proposal complies with the policy Des 5 and the Edinburgh Design Guidance in this regard and is acceptable.

The site is located to the south of an area of allotments which are designated as open space in the LDP. The development will not result in any loss of this open space. A sunlight assessment has been provided by the applicant which demonstrates that the majority of the allotment grounds will be unaffected by overshadowing from the new development. A small area in the north of the allotment grounds will have a reduction in the amount of sunlight received at the Spring Equinox, however this area will still achieve well in excess of the minimum requirement of two hours of sunlight as set out in the Edinburgh Design Guidance on this date. This is acceptable.

New occupiers

Daylight, sunlight, privacy, and outlook

The building has an east to west orientation and is not positioned in close proximity to other high buildings therefore there will be no overshadowing of daylight into the development. This is acceptable.

A sunlight assessment has been provided which demonstrates that the open space to the rear of the development will receive in excess of the recommended amount of sunlight (i.e., 50% of open space will receive a minimum of two hours of sunlight on the 21st of March). This is acceptable.

With regard to privacy and outlook, the Edinburgh Design Guidance states that the pattern of development in an area will help to define appropriate distances between buildings and privacy distances. The development is well separated from nearby residential properties by the area of allotments located to the rear of the site and will not adversely impact on any surrounding dwellings in this regard.

The Edinburgh Design Guidance expects that no more than 50% of the total units should be single aspect. The proposed development will include 27 single aspect apartments (56%), therefore slightly exceeds the expected standard. This is acceptable.

Size and mix of accommodation

With regards to housing mix, LDP Policy Hou 2 (Housing Mix) seeks the provision of a mix of house types and sizes where practical. The proposed mix of residential accommodation within the development includes 17 one-bedroom apartments (35%), 20 two-bedroom apartments (42%) and 11 three-bedroom apartments (23%). This provides a good mix of accommodation and exceeds the requirement for 20% family housing provision set out in the Edinburgh Design Guidance.

All apartments meet the minimum space standards as set out in the Edinburgh Design Guidance. The building has level access via all entrances onto Willowbrae Road and to the rear courtyard. All flats are accessible and single storey. An elevator is provided in each stair core to allow access to all upper floors of the building.

The proposed housing mix complies with policy and guidance and is acceptable.

Noise

Planning Advice Note on Noise (PAN 1/2011) promotes a pragmatic approach to the location of new development within the vicinity of noise generating uses. The applicant has undertaken a Noise Impact Assessment which has been updated following comments from Environmental Protection. The revised report addresses the matters raised by Environmental Protection and sets out a series of mitigation measures which will enable an acceptable level of noise impact to be met. All noise mitigation measures set out within the supporting NIA should be installed and operational prior to occupation of the development. A condition has been added to this report to address this matter.

Air Quality

The applicant has provided information to demonstrate that appropriate ventilation will be provided to ensure effluvia from the proposed hot food takeaway unit at ground floor level will be removed to the satisfaction of Environmental Protection. This is acceptable.

Open space provision and landscape details

Policy Hou 3 seeks to ensure that new development makes adequate provision for green space to meet the needs of future residents and requires a minimum provision of 20% of the total site to be provided as usable green space.

The amount of open space proposed on site has been increased during the application assessment period, and the development will provide 695 sq m of usable green space, which equates to 20% of the total site area. The green space is located primarily to the rear of the building. This will consist of areas of grass with shrub planting and some small trees. It is noted that the previously refused application for this site (ref 20/02101/FUL) had a shortfall in the provision of usable open space and that the current application provides a significantly improved position in this regard.

The open space is well positioned to the rear of the properties and is accessible to residents, providing a good opportunity for meaningful usage. Car parking is located along the northern site boundary and is an appropriate distance from the open space to minimise its impact on the setting of that space.

It is noted that nine of the apartments will also benefit from a private balcony which will be positioned on the rear elevation of the building overlooking the shared open space.

The development provides an acceptable quantity and quality of open space and meets the requirements of the LDP in this regard.

Parking, road safety and infrastructure

Policy Tra 1 of the LDP aims to reduce travel demand and encourages accessibility to major development by modes alternative to the car. The site is located immediately adjacent to Willowbrae Road which provides a frequent bus service with bus stops located within 100m of the site.

The applicant proposed 13 car parking spaces including one disabled space and four electric vehicle charging spaces. The amount of parking has been revised downwards (from 20 spaces) during the application assessment period in order to provide an increased amount and quality of open space on site for residents. Two motorcycle parking spaces are also provided. Transport is satisfied with the proposed pedestrian and vehicular gates and access arrangements into the rear of the site. The proposal complies with the Edinburgh Design Guidance parking standards.

The proposed 110 cycle parking spaces on site provide an acceptable mix of storage types (single and double tier) and comply with the Edinburgh Design Guidance cycle parking standards.

The proposal complies with the transport policies of the Local Development Plan and is acceptable.

Affordable housing provision

Policy Hou 6 of the LDP requires residential developments of twelve or more units to include provision for 25% affordable housing. The proposed development is for 48 apartments and includes provision for twelve affordable apartments. These will include a mix of three one-bedroom apartments, six two-bedroom apartments and three three-bedroom apartments. This mix is representative of the wider housing mix proposed and is acceptable.

The applicant has been in discussion with a registered Social Landlord (Castle Rock Edinvar) to provide the affordable housing for social rent. The affordable housing will be tenure blind and will be fully compliant with latest building regulations. It will be positioned within a single stairwell for ease of management by the operator. The design of the affordable housing will be informed by guidance such as Housing for Varying Needs and Castle Rock Edinvar Design Guides.

The affordable properties will be situated within close proximity of regular public transport links and next to local amenities. An equitable and fair share of parking for affordable housing, consistent with the relevant parking guidance will be provided. The applicant has confirmed that all residents including those in affordable housing will have access to cycle parking, car parking with electrical vehicle charging.

The proposed affordable housing provision complies with the requirements of the LDP and is acceptable. The applicant will be required to enter into a Legal Agreement in order to secure the affordable housing provision.

Waste

The proposed waste management arrangements have been reviewed by the Council's waste officers and are acceptable.

Flooding

LDP Policy Env 21 (Flood Protection) states that planning permission will not be granted for development that would increase flood risk or be at risk of flooding itself. The site is not included in an area of flood risk as identified by the SEPA flood map.

Below ground cellular storage is proposed for the development which is contrary to the Council's Water Vision. In this regard, it is noted that the amount of space potentially available for overground storage on site is somewhat constrained by the need to retain vehicular access to the telecoms mast which is located within the site boundary. The applicant has already reduced the amount of parking proposed in order to meet the required provision of usable open space on site, which further limits the opportunity to use available space for overground storage. The development will also incorporate filter drains and permeable paving which will contribute to the drainage strategy. Therefore, on balance given the brownfield nature of the site, the approach is considered reasonable in this instance.

Contaminated Land

The site has been developed for commercial uses for a significant time. These uses have the potential to contaminate the site. A condition is attached to the consent which requires the applicant to provide supporting information to assess ground conditions and potential contamination in this regard.

Telecommunication infrastructure

There is an existing telecom mast located within the site boundary. The operator of this infrastructure has advised that the proposed development will block the signal to the mast and have operational implications. An informative is attached to the application which recommends that the applicant discuss this matter in detail with the operator.

Sustainability

The development site can be classified as brownfield and the intensification of uses in this location provide a sustainable use of an urban site. The scheme proposes sustainability measures in its development approach including the use of an air source heating system. The applicant has undertaken the required Part A of the Council's S1 Sustainability Assessment and complies with the requirements.

Conclusion in relation to the Development Plan

Overall, the proposals are in accordance with the Development Plan and associated guidance. The proposals are an acceptable design, scale, height and density for the location and there will be an acceptable level of amenity achieved. The proposed level of car and cycle parking is acceptable, as are the proposed landscaping, surface water, sustainability, waste, and recycling arrangements.

b) There are any other material considerations which must be addressed?

The following material planning considerations have been identified:

SPP - Sustainable development

Scottish Planning Policy (SPP) is a significant material consideration due to the LDP being over 5 years old. Paragraph 28 of SPP gives a presumption in favour of development which contributes to sustainable development. Paragraph 29 outlines the thirteen principles which should guide the assessment of sustainable development.

The proposal complies with Paragraph 29 of SPP.

Emerging policy context

The Revised Draft National Planning Framework 4 was laid before the Scottish Parliament on 08 November 2022 for approval. As it has not completed its parliamentary process, only limited weight can be attached to it as a material consideration in the determination of this application.

The Planning Committee considered the objections received to City Plan 2030 on 30th November. At this time little weight can be attached to it as a material consideration in the determination of this application.

Equalities and human rights

Due regard has been given to section 149 of the Equalities Act 2010. No impacts have been identified.

Consideration has been given to human rights. No impacts have been identified through the assessment and no comments have been received in relation to human rights.

Public representations

Willowbrae and Northfield Community Council

No comments received.

A summary of the representations is provided below:

Ten objections have been received for this planning application. 55 support comments have been received. These are assessed as follows.

material considerations - objections

- Principle of residential development
- The development is not in keeping with the character of the surrounding area
- Excessive height/ density on site
- Overshadowing of adjacent allotment
- Impacts on existing road network
- Inadequate car parking provision
- Impact on air quality from additional vehicles on residents and amenity of allotments
- Concern over the compatibility of hot food takeaway use with residential dwellings
- The development could provide a greater level of retail/ social / community space
- A larger proportion of the units should be affordable housing.
- The development should include a larger amount of green space and landscaping
- The development should have a greater separation back from the street frontage
- Concern re. gating of car parking

Non-material considerations - objections

- Impact on views
- Loss of public house on site
- Objection to re-submission following refusal of previous application

Material considerations - support

- Support for provision of residential and retail development
- The development will improve appearance of the area
- Support for reuse of brownfield land
- Good quality, contemporary design
- Provision of affordable housing on site
- The scale, design and proportion is in keeping with the surrounding area
- The development will boost the local economy and provide employment
- Development will benefit the local community

Non-material considerations - support

- 25 (of the total 55) comments of support were received which did not contain any specific comments.

Conclusion in relation to identified material considerations

There are no equalities or human rights issues, and the proposal complies with the SPP Sustainability Principles. The material considerations do not raise any matters which would result in recommending the application for refusal. Therefore, the application should be granted.

Overall conclusion

The proposal is acceptable with regard to Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 in that it will preserve the setting of nearby listed buildings.

Overall, the development is in accordance with the development plan. The development provides high density housing in a sustainable location and will have a positive impact on the character of the surrounding neighbourhood. An acceptable amount of car and cycle parking and amenity open space is provided. The housing mix provides an acceptable range of accommodation sizes and includes on site affordable housing provision. The proposals are an acceptable design, scale, height, and density and are appropriate for the location.

The proposal complies with the policy principles of sustainable development set out in Scottish Planning Policy (SPP).

There are no material considerations which outweigh the proposal's accordance with the Development Plan.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following.

Conditions

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted. If development has not begun at the expiration of this period, the planning permission lapses.
2. Prior to the commencement of construction works on site:
 - a) A site survey (including intrusive investigation where necessary) must be carried out by the applicant to establish, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and
 - b) Where necessary, a detailed schedule of any required remedial and/or protective measures, including their programming, must be submitted to, and approved in writing by the Planning Authority.
 - ii) Any required remedial and/or protective measures shall be implemented in accordance with the approved schedule and documentary evidence to certify those works shall be provided for the approval of the Planning Authority.
3. The noise protection measures to the proposed commercial and residential units, as defined in the Robin Mackenzie Partnership 'Environmental Noise Assessment' updated technical report (Ref R-8654A-EKR-RRM) dated 25 August 2022, shall be carried out in full and completed prior to occupation of the residential units.
4. A detailed specification of the proposed ventilation system for the hot food takeaway commercial unit shall be submitted to and approved in writing by the Planning Authority and implemented in full prior to occupation of the commercial and residential units. The ventilation system is required to be capable of removing effluvia at a minimum rate of 30 air changes per hour.
5. A detailed specification, including trade names where appropriate, of all the proposed external materials shall be submitted to and approved in writing by the Planning Authority before above groundwork is commenced on site. This includes external hard landscaping materials. Sample panels may be requested.

6. The approved soft landscaping scheme shall be fully implemented within the first planting season of the completion of the development. All planting carried out on site shall be maintained by the developer to the satisfaction of the Planning Authority for a period of 5 years from the date of planting. Within that period any plants which are dead, damaged, missing, diseased or fail to establish shall be replaced annually with others of a size and species similar to those originally required to be planted, or in accordance with such other scheme, as may be submitted to and approved in writing by the Planning Authority.

Reasons: -

1. To accord with Section 58 of the Town and Country Planning (Scotland) Act 1997.
2. In order to protect the development's occupants and human health.
3. In order to safeguard the amenity of neighbouring residents and other occupiers.
4. In order to safeguard the amenity of neighbouring residents and other occupiers.
5. In order to enable the Planning Authority to consider this/these matter/s in detail.
6. In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site.

Informatives

1. Consent shall not be issued until a suitable legal agreement has been concluded in relation to affordable housing, as set out below:

Affordable Housing

The proposal is required to deliver 12 units of affordable housing.

2. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.
3. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.
4. The applicant should consider providing car club vehicles in support of the development. The sum £1,500 per order plus £5,500 per car would be required.
5. The applicant should consider developing a Travel Plan including provision of public transport travel passes, a Welcome Pack, a high-quality map of the neighbourhood (showing cycling, walking and public transport routes to key local facilities), timetables for local public transport.

6. The proposed vehicle access gate should be set back a minimum of 6m from the carriageway edge.
7. Prior to the commencement of development, the applicant should discuss the potential impact of the proposed development on the telecommunications signal with the operator of this infrastructure.
8. The applicant is encouraged to provide details of tree-pits in both hard and soft landscape areas to control quality of implementation of new trees.
9. Swift bricks should be incorporated into the building. Proposed locations should be approved by the planning authority.

Background Reading/External References

To view details of the application go to the [Planning Portal](#)

Further Information - [Local Development Plan](#)

Date Registered: 23 May 2022

Drawing Numbers/Scheme

01-04, 05A, 06, 07A, 08A, 09A, 10, 11, 12A, 13A, 14A, 15A16B, 17B, 18A, 19.

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Julie Ross, Planning Officer
E-mail: julie.ross@edinburgh.gov.uk

Appendix 1

Summary of Consultation Responses

NAME: Willowbrae and Northfield Community Council

COMMENT: No response received.

DATE:

NAME: Environmental Protection

COMMENT: Additional information requested in relation to noise impact assessment and ventilations requirements. Concern raised regarding amount of parking on site in relation to air quality. Information was provided by applicant to satisfy these queries and relevant conditions are attached to the consent in this regard. Car parking provision on site has been reduced by six spaces.

DATE: 6 September 2022

NAME: Transport

COMMENT: No objection to the application subject to appropriate conditions and informatives.

DATE: 18 August 2022

NAME: Flooding

COMMENT: Flooding are satisfied with the additional supporting information provided by the applicant and the application can proceed to determination with no further comment.

DATE: 14 September 2022

NAME: Affordable Housing

COMMENT: No objection. Affordable Housing welcomes the proposal as set out and requests that the applicant enters into a dialogue with the Council to deliver the agreed provision on site.

DATE: 1 December 2022

NAME: Waste

COMMENT: Waste strategy agreed with applicant.

DATE: 15 August 2022

NAME: Scottish Water

COMMENT: No objection. General advice provided to developer.

DATE: 9 May 2022

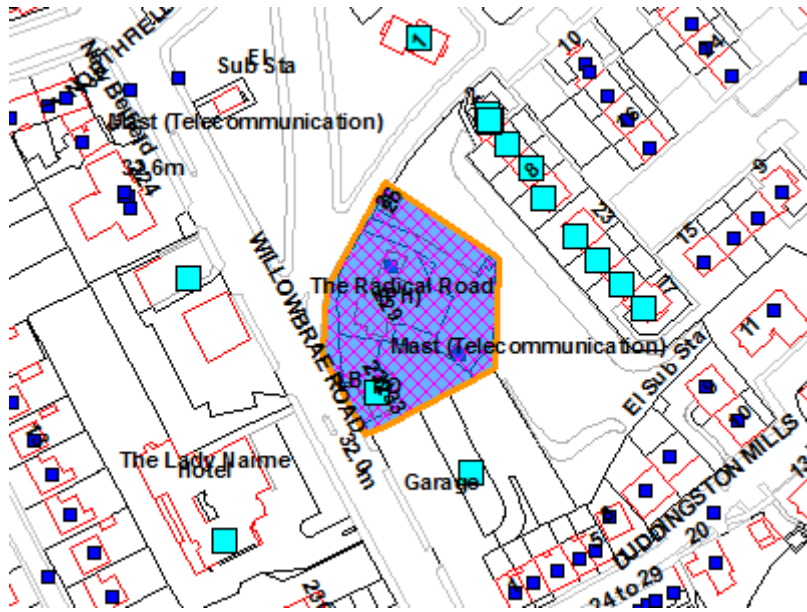
NAME: Communities and Families

COMMENT: No response received. It is noted that the site is not located within an education contribution zone.

DATE:

The full consultation response can be viewed on the [Planning & Building Standards Portal](#).

Location Plan



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Development Management Sub-Committee Report

Wednesday 11 January 2023

**Application for Planning Permission
23 Yeaman Place, Edinburgh, EH11 1BT.**

Proposal: Proposed demolition of existing buildings and structures and erection of a purpose-built student accommodation development, with associated active travel routes, landscaping, cycle parking and other associated infrastructure, as amended.

**Item – Committee Decision
Application Number – 22/03556/FUL
Ward – B09 - Fountainbridge/Craiglockhart**

Reasons for Referral to Committee

The application has been referred to the Development Management Sub-Committee at the request of a local ward councillor, and 176 letters of objection have been received and it is recommended for approval. Consequently under the Council's Scheme of Delegation the application must be determined by the Development Management Sub-Committee.

Recommendation

It is recommended that this application be **Granted** subject to the details below.

Summary

The proposal is acceptable with regard to Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

The proposals will deliver Purpose Built Student Accommodation on a site which has a number of constraints, and though it infringes certain aspects of non-statutory guidance regarding neighbouring, sunlighting, cycle parking and student housing, the extent of this infringement is limited, and overall the proposals are acceptable subject to conditions. The proposals will deliver on a ramped access safeguard, replace the existing scrapyards use with another use of lesser impact on neighbouring amenity, encourage active and sustainable transport use, preserve the setting of nearby listed buildings, and contribute to the vitality of the Dundee Street Local Centre and to the regeneration of the wider area.

The proposal complies with the policy principles of sustainable development set out in Scottish Planning Policy (SPP), and is acceptable in relation to the development plan. No other material considerations outweigh the presumption to grant planning permission.

SECTION A – Application Background

Site Description

The application site comprises 2,787 sqm of land, located to the north of the Union Canal and bounded to the North, East and West by the rear gardens of tenements located on Dundee Street, Yeaman Place and Murdoch Terrace, with accesses onto Dundee Street and the southern end of Yeaman Place. The site is currently used as a scrap yard, is bounded by a boundary wall varying in height between approximately 3.9m and 1.6m to the North, East and West of the site, at different parts of the site boundary. A retaining wall is present to the south, forming part of the Union Canal, a Scheduled Ancient Monument. Three 1 to 2 storey buildings are present on site, used for both storage and office purposes, whilst tenement flats of between four and five storeys surround the site to the North, East and West. The Union Canal towpath is to the south of the site, between it and the Union Canal.

There are few natural features present on the site, though there are substantial level differences, including an approximately 2m level difference between the canal side and the Yeaman Place access, resolved by a substantial gradient between these areas and the centre of the site, and another substantial gradient between the central area and Dundee Street.

Two Listed Buildings are in proximity to the site, the Category C listed Walker Bridge (LB27293, 03/02/1993) to the southwest, and the Category B listed Fountainbridge Public Library (LB30322, 21/04/1995), which forms the North East corner of the rectangular block of buildings that surround the site.

The surrounding area contains a mix of uses, with commercial uses (including retail, restaurants, hot food takeaways and public houses) placed on the ground floor where present, and residential units above. Across Dundee Street from the site the Fountain Park shopping and entertainment centre, as well as a large office block. Several other Purpose Built Student Accommodation (PBSA) schemes are in close proximity to the site.

Description of the Proposal

The proposal is for the demolition of the existing buildings on the site, and the construction of 148 studio flats, ancillary uses, and associated infrastructure and landscaping. The flats will be purpose built student accommodation (PBSA), organised into four blocks of flats of between 3 and 5 storeys in height. Block 1 in the south east corner of the site is five storeys in height while block 2 in the south west corner of the site is four storeys in height. Blocks 3 and 4 which sit to the rear of tenements in Yeaman Place are predominantly three storeys in height with a step down to two storeys along their respective boundaries with properties in Murdoch Terrace and Yeaman Place. Two new access routes from the Union Canal towpath to Dundee Street, and to the southern end of Yeaman Place are proposed.

Ramped access to Yeaman Place will be facilitated by a path running under Block 1 from Yeaman Place into the centre of the site, and the access to Dundee Street from the towpath will pass through a central courtyard/amenity area. Amenity spaces will be provided, including three roof terraces, two enclosed courtyards, the central courtyard, and space by the canal, as well as internal amenity spaces.

Supporting Information

- Design and Access Statement (Revised)
- Planning Statement
- Waste Management Plan
- Surface Water Management Plan (Revised)
- Tree Survey
- Daylighting Study (Revised)
- Sustainability Statement
- Noise Impact Assessment (Revised)
- Air Quality Impact Assessment
- Bat Roosting Potential Survey
- Bat Survey and Assessment
- Union Canal Wall Survey Letter
- Archaeological Desk Based Assessment
- Heritage Assessment
- Transport Statement
- Materials Statement
- Landscaping Details Planting Tables
- Soil Volumes Arrangement
- Typical Soil Volume Buildups

Relevant Site History

93/00526/CLU

23 Yeaman Place

Edinburgh

EH11 1BT

Certificate of lawfulness for the use as a scrap recycling yard

Granted

12 May 1993

Other Relevant Site History

No other relevant site history was identified.

Pre-Application process

Pre-application discussions took place on this application.

Consultation Engagement

Natural Environment

Archaeology

Scottish Canals

Historic Environment Scotland

Merchiston Community Council

Policy

Transportation

Environmental Protection

Refer to Appendix 1 for a summary of the consultation response.

Publicity and Public Engagement

Date of Neighbour Notification: 4 November 2022

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): 11 November 2022 29 July 2022

Site Notices Date(s): 8 November 2022 26 July 2022

Number of Contributors: 188

Section B - Assessment

Determining Issues

Due to the proposals relating to a listed building(s), this report will first consider the proposals in terms of Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997:

- Is there a strong presumption against granting planning permission due to the development harming the listed building or its setting?
- If the strong presumption against granting planning permission is engaged, are there any significant public interest advantages of the development which can only be delivered at the scheme's proposed location that are sufficient to outweigh it?

This report will then consider the proposed development under Sections 25 and 37 of the Town and Country Planning (Scotland) Act 1997 (the 1997 Act):

Do the proposals comply with the development plan?

If the proposals do comply with the development plan, are there any compelling material considerations for not approving them?

If the proposals do not comply with the development plan, are there any compelling material considerations for approving them?

In the assessment of material considerations this report will consider:

- the Scottish Planning Policy presumption in favour of sustainable development, which is a significant material consideration due to the development plan being over 5 years old;
- equalities and human rights;
- public representations and
- any other identified material considerations.

Assessment

To address these determining issues, it needs to be considered whether:

a) The proposals harm the setting of the listed buildings?

The following HES guidance is relevant in the determination of this application:

- Managing Change in the Historic Environment: Setting
- Managing Change in the Historic Environment: Works on Scheduled Monuments

Historic Environment Scotland were consulted on the proposals and have raised no objections.

Walker Bridge

Constructed in 1896, Walker Bridge is a single span plate girder canal bridge, with a pierced arcaded cast-iron parapet and ashlar end piers with ball finials finished in Ashlar sandstone. Its setting is largely defined by the bridge's functional relationship to the Union Canal and the resulting street alignment.

The proposals will not detract from this functional relationship, and to a limited extent contribute to reinforcing the street alignment. The height and scale of the development matches with other buildings of tenemental scale directly across the canal and Yeaman Place from the site, whilst the placement of Blocks 1 and 2 contribute to the defined street pattern.

Fountainbridge Public Library

Constructed between 1937 and 1940 the Fountainbridge Public Library will be impacted by the proposed changes to the southwest and southeast of the building. The setting of the building however is largely defined by its status as the building on the northeast corner of the block of tenements that surrounds the application site. This status is respected by the scale, massing and location of the buildings proposed, and will provide new public access to areas that the rear of the building can be viewed from.

Cumulatively, the modern design of the new buildings creates a clear distinction from nearby buildings of more traditional design, whilst the new building's scale avoids challenging the prominence of the neighbouring townscape, which is the clearest expression of the setting of the library.

Conclusion in relation to the listed building

In light of the above, the proposal will not be of detriment of the setting of these listed buildings. The proposal is acceptable with regard to Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and relevant HES guidance.

b) The proposals comply with the development plan?

The development plan comprises the Strategic and Local Development Plans. The relevant Edinburgh Local Development Plan 2016 (LDP) policies to be considered are:

- LDP Design policies: Des 1, Des 2, Des 3, Des 4, Des 5, Des 6, Des 7, Des 8 and Des 10;
- LDP Environment policies: Env 3, Env 8, Env 9, Env 15, Env 16 and Env 22;
- LDP Employment and Economic Development policy: Emp 9;
- LDP Shopping and Leisure policy: Ret 5;
- LDP Housing policy: Hou 8;
- LDP Transport policies: Tra 2, Tra 3, Tra 4 and Tra 9.

The non-statutory Edinburgh Design Guidance is a material consideration that is relevant when considering applicable LDP policies.

The non-statutory Student Housing Guidance is a material consideration that is relevant when considering LDP policy Hou 8.

The non-statutory Listed Buildings and Conservation Area Guidance is a material consideration that is relevant when considering LDP policy Env 3.

Setting of Listed Buildings

The impact on setting of neighbouring listed buildings has been assessed in section a) above which concluded that the setting of the listed buildings would be preserved. As the proposal complies with the statutory test, it therefore also complies with LDP policy Env 3.

Principle of development

Location of Student Housing

The site has appropriate access to educational facilities via a range of sustainable transport modes.

Edinburgh Napier's Merchiston Campus is a 12-minute walk, whilst the Edinburgh College of Art is a 21-minute walk. Additionally, Edinburgh Napier's Craiglockhart Campus, Edinburgh University's Old College and George Square are all within approximately 10-minute cycle. National cycle route 75 passes along the Union Canal towpath to the immediate south of the site.

Bus routes pass along Dundee Street to the site's immediate north, 5-minute walk away on the Western Approach Road and 5-minute walk away along Polwarth Gardens/Gilmore place.

Whilst the site is not located within or adjacent to a main student campus, the site has a developable area of less than 0.25ha and is not identified as having high probability of delivering housing. As such criteria c) of the Student Housing Guidance does not apply.

Student concentration

The Student Housing Guidance states that where the student population is dominant, exceeding 50% of the population, there will be a greater potential imbalance within the community. While there is no definition of what constitutes an area for the purposes of calculating student population, the data zones from the 2011 census area provide a reasonable basis for determining this, however as these data zones are tightly drawn, considering them in isolation does not give an accurate reflection of the population demographic within the local area. As such it is normal procedure to use the data zones that fall within an 800m radius, an approximate 10 minute walk from the application site. Using this method considers a wider catchment and provides a more accurate representation of the local population.

When considering this area, the 2011 census shows an overall population of 24,077, and a student population of 5,729, or 23.8%. Post-2011 however, population estimates become less certain, and so only a maximum concentration of students can reasonably be arrived at. Adjusting for consented developments in the area to 2020, and therefore not accounting for any displacement impact from new housing and assuming all new development is fully occupied, results in a 2020 estimated overall population of 27,288 and a maximum estimated student population of 7,707, or 28.2%.

Post-2020, assuming that overall population change is equal only to newly constructed PBSA, not accounting for any displacement impact from the introduction of new PBSA, and assuming all PBSA is fully occupied, results in an estimated overall November 2022 population of 27,928, and an estimated student population of 8,347, or 29.9%. Should the application be granted the estimated population would therefore rise to 28,076, and the estimated student population rise to 8,495, or 30.3%, a percentage increase of 0.4%.

This is below the 50% threshold at which CEC's Student Housing Guidance states there will be a greater potential imbalance within the community and therefore an excessive concentration of students.

Accommodation type mix

100% of the proposed units are studio accommodation. This is contrary to the requirement in CEC's Student Housing Guidance which encourages a mix of studio and cluster units to meet the varying needs of students.

In an Explanatory Note submitted on the 27th October, the applicant notes the proportion of studio apartments granted in other PBSA nearby, arguing the addition of greater numbers of studio flats will compliment the available housing mix in the area, as well as citing applications at 7-9 Lower Gilmore Place (20/02976/FUL) and at 4B East Newington Place (21/06470/FUL) which have been granted planning permission despite containing only studio flats.

It should be noted that the Student Housing Guidance is non-statutory guidance. Whilst it is a material consideration, it is not part of the development plan, and therefore has less weight than the statutory provisions of the LDP, specifically Policy Hou 8.

Coordinated development & the Dundee Street Local Centre

The proposals will not result in compromising the effective development of adjacent land or the comprehensive development and regeneration of a wider area. Indeed, the improved pedestrian permeability provided by the site, particularly in delivering ramped access from The Union Canal towpath to the southern end of Yeaman Place, is an aspect of planning gain, increasing the accessibility of nearby land.

Part of the site is included in a defined Local Centre, and the proposal is likely to have a positive impact on the Local Centre's function, helping to increase the number of people visiting local businesses. Taken together, the development is likely to contribute to the regeneration and improvement of the local area, due to the economic benefit to local businesses and the proposals not prohibiting or inhibiting the activities of any nearby employment use.

The application therefore complies with LDP policies Des 2, Emp 9, Ret 5 and Hou 8. However, it must be noted that it infringes Student Housing Guidance in regard to mix of type of accommodation.

Design

The site is primarily designed around a proposed new link from the Union Canal to Dundee Street, referred to as Yeaman Place Lane, and the construction of a terminating tenement to the Yeaman Place terrace. This terminating terrace, Block 1, respects a continuation of the increase in ridge height and eaves established on Yeaman Place and onto Polwarth Crescent, whilst matching the height of buildings across the road. Block 2 continues the arrangement of buildings along the canal, matching in scale the terminating tenements of Murdoch Terrace, Gibson Terrace and other buildings across the canal. Blocks 3 and 4 will be of a smaller scale and massing, three storeys high when facing the middle of the site and proposed lane, and two storeys high when abutting the boundary wall. This reflects the backland nature of the site, and represents an attempt to balance townscape, character, density and neighbouring amenity.

The buildings will be finished with a mix of brick, sandstone, and aluminium cladding, materials that are common in the surrounding area. Sandstone is used where Blocks 1 and 2 face Yeaman Place and the Union Canal, which contrasts well with the proposed use of brick towards the middle of the site for the internal Yeaman Place Lane elevations of Blocks 1 and 2, and for Blocks 3 and 4, helping to differentiate Yeaman Place Lane from the surrounding roads. The aluminium metal roof and windows mirror the modern nature of the design and are typical of other more modern buildings in the area.

The layout of the Active Travel route encourages ease of movement, meets design standards described in the Edinburgh Design Guidance, and meets applicable standards for emergency service vehicle access. Level access will be provided for active travel modes from the Union Canal to Dundee Street, passing through a courtyard area in the centre of the site, whilst the pend on the new ramped access route between Yeaman Place and the Union Canal improves permeability. The site's design reflects its historic environment and uses this and other design treatments as an element in the creation of a sense of place for the development, making use of the canal retaining wall that will remain, and reusing material from the retaining wall at prominent ground floor locations where it will be most visible. A mix of hard and soft landscaping throughout the site is provided to help enhance the publicly accessible amenity space and will result in attractive areas of public realm that link well with the canal.

Security considerations have been incorporated into the design as it is noted that the pend in particular may present issues. Mitigation measures include the use of a glazed frontage along the pend's southern wall, aiming to activate the area as much as possible with the placement of an ancillary office area and main staircase in Block 1 so that they have visibility into the pend, through the result is somewhat limited. Street lighting is to be provided throughout the site, and a condition has been attached to ensure this will be for 24 hours a day. The additional foot traffic that is likely to pass through the area given the number of people that will be living on the site, and the link to the Union Canal will additionally help mitigate security concerns.

A sustainability statement has been provided, showing that the development complies with points a) and b) of policy Env 6, exceeding the minimum sustainability standards.

In light of the above, the design concept draws upon positive characteristics of the site and its surroundings, responding effectively to design constraints posed by site specific factors. Its response to scale, form and position is appropriate to the townscape character and will help create a sense of place. Overall, it complies with LDP policy Des 1, Des 3, Des 4, Des 6, Des 7, Des 8, and Des 10.

Amenity

Daylight

The development will result in a reduction in the amount of daylight that many neighbouring residential properties receive. However, the applicant has been able to demonstrate that where the new buildings rise above a 25° line drawn in section from the horizontal at the mid-point of the existing windows, a Vertical Sky Component of greater than 0.8 of the window's former value is maintained, or, as the site is within one of the more densely planned parts of Edinburgh, the minimum Average Daylight Factor specified in the Edinburgh Design Guidance is met.

Sunlighting

The development will result in a reduction in the amount of sunlight that many of the surrounding gardens receive. The Design and Access Statement demonstrates that four of the seventeen surrounding gardens are brought below the requirement described in the Edinburgh Design Guidance. Public comments note the amenity value residents derive from the use of their gardens and the importance they place on sunlight to enable the amenity benefits of these spaces.

However, this should be understood in the context of the high-density characteristics of the townscape, and the impact that planting has on the sunlight that currently reaches the gardens, not quantitatively accounted for in the applicable calculations in the Design and Access Statement.

The proposals include several areas of new amenity space. The canal side amenity area and roof terraces meet the requirements described in the Edinburgh Design Guidance, however the central square marginally fails to do so.

On balance this degree of impact and the level of infringement of guidance is acceptable.

Privacy

Many public representations raise concerns about privacy, noting their concern that new residents will be able to see into windows and rear gardens. However, on balance the development is designed such that the privacy of neighbours is not unreasonably impacted. New windows are arranged so that bedroom windows either face away from neighbouring windows, or are generally set back 16.2m away from the nearest existing window, with four bedroom windows being less than this, two 14.8m away, and two 14.6m away. Windows providing light to circulation areas are closer than this however, the closest being 14.2m away.

Regarding gardens, whilst there will be a level of overlooking caused, windows overlooking gardens are set back appropriately, and the gardens in question are not spaces where total privacy can be reasonably expected, as they are communally shared with other properties in the respective tenement block and are already overlooked by other properties along the terrace.

Additionally, screening is provided in many of the gardens which helps mitigate potential privacy impacts, as many feature substantial planting and mature trees. The roof terraces to be provided are also arranged such that they overlook the canal or other publicly accessible spaces rather than gardens.

Noise, air and water quality, and contaminated land

The Air Quality Impact Assessment, Noise Impact Assessment and Surface Water Management Plan provided demonstrate that impacts on local air quality, water quality and noise are acceptable, typically improving on the amenity impacts of the former scrapyards use. A condition has been attached to account for any potential land contamination that may have resulted from the former uses of the land.

When considering the different aspects of LDP policy Des 5 overall, and assessing the proposals against the Edinburgh Design Guidance, the development will result in limited adverse amenity impacts on neighbours. However, when taken in the round, and set against the amenity impacts of the site's current use as a scrapyards, it can reasonably be concluded that there will be a neutral impact on amenity, despite the infringement of guidance. The policy complies with LDP policy Des 5.

Transport

Motor vehicle parking

No motor vehicle parking is proposed, which complies with the relevant standards for PBSA in the Edinburgh Design Guidance. The site has good levels of access to public transport, education and local amenities, adding credibility to the anticipation in the submitted Transport Statement that trips generated will mostly be by public and active transport modes.

The proposal discourages reliance on private car use through no car parking provision in a sustainable location. Public representations note their concern that the development will have a detrimental impact on nearby traffic flow and motor vehicle parking availability, particularly with regard to deliveries. However, given that the previous use of the land, and that it is anticipated that low numbers of motor vehicle movements will be generated, it is likely that the proposals will result in a net loss in vehicular trips, whilst as the site lies within Controlled Parking Zone S4 it is unlikely that there will be substantive amounts of additional motor vehicle parking in neighbouring streets resulting from the development.

Cycle parking

The proposal includes 148 long-stay cycle spaces internally on the ground floor of Block 2, which complies with Edinburgh Design Guidance standards of one space per one bed and location. A range of cycle parking is proposed including 67% two-tier cycle racks, 22% Sheffield stands, and 11% vertical racks. Greater than 20% of cycle racks will be suitable for non-standard cycles. The proportion of two-tier cycle racks is a deviation from guidance set out in CEC's Technical Manual factsheet C.7 Cycle Parking in New Developments, and as such a condition has been attached to ensure the acceptability of the application in this regard.

In addition, provision for 6 short-stay cycle spaces is included via 3 Sheffield stands in canal side area at ground floor.

Road and pedestrian safety

Public representations note their concern that there are potential safety issues in regard to the new active travel route provided. Transport officers have been consulted on the proposal and have raised no objections, whilst no new accesses to Dundee Street or Yeaman Place are to be created. Danger resulting from the new access created onto the Union Canal towpath has also been considered, however the applicant has demonstrated that there is sufficient visibility and sightlines at the site's egress onto the Union Canal towpath to mitigate the risk.

Access Safeguard

The development site includes land which is designated as a ramped access Cycleway / Footpath Access Safeguard in the LDP. This will be delivered by the proposals, providing ramped access from Yeaman Place to the Union Canal towpath, via the pend delivered under Block 1.

The proposal complies with LDP policies Tra 2, Tra 3, Tra 4, and Tra 9.

Archaeology and Scheduled Ancient Monument

The site has been identified as within an area of archaeological significance both in terms of its nationally important built/archaeological heritage and buried archaeological potential. Edinburgh Council's Archaeologist notes the potential impact on Walker Bridge; any remains of the former mission hall and its early 20th century replacement, given the current building shares the same footprint as these; and remains relating to the 19th and 20th century industrialisation of Fountainbridge and the construction of the Union Canal.

The proposals include the demolition of a section of the Union Canal wall, which forms part of the Union Canal Scheduled Ancient Monument, however following consultation with Historic Environment Scotland, Scottish Canals and Edinburgh Council's Archaeologist, no objections have been raised. The partial demolition is limited in scale and reduced to the minimum extent necessary to enable to acceptability of the development in respect of other considerations, and whilst damaging to the canal's material fabric, the proposals will likely result in an enhancement to its setting and character.

No objections have been raised to the works subject to a condition requiring the submission and approval for a programme of archaeological works. A condition has therefore been attached to ensure the acceptability of the application in this regard. An informative has been included regarding the need for Scheduled Monument Consent.

The application complies with LDP policies Env 8 and Env 9.

Biodiversity

Bat roosting

Due to the location and characteristics of the site bats are the only protected species applicable. A preliminary roost assessment and bat surveys have been submitted. Though the site is accessed as having a high potential for bat roosting, no evidence of bat roosts has been identified. Therefore, it is considered bats are not a constraint to the development.

In light of the above, the proposal complies with LDP policy Env 16.

Conservation

A designated Local Nature Conservation Site is located to the immediate south of the site, covering a section of the Union Canal and its banks. The current use of the site as a scrapyard is likely of little biodiversity value, and though the proposals are unlikely to substantially improve this, as the provision of several trees, low level planting and green roofs will only be of minor benefit, it is unlikely the proposed development will have a negative impact on the Local Nature Conservation site.

The proposal complies with LDP policies Env 15.

Waste

The applicant has confirmed refuse from the development will be subject to commercial collection.

Conclusion in relation to the development plan

Overall, the proposal is acceptable with regard to the development plan. Whilst the development infringes certain elements of the Edinburgh Design Guidance regarding neighbouring amenity, cycle parking and student housing, the scale of the infringements in each case is limited, and overall acceptable subject to conditions. The proposals will preserve the setting of the listed buildings, contribute to the Dundee Street Local Centre, result in several comparative amenity benefits compared with the previous scrapyard use, deliver a ramped access safeguard, and is compatible with biodiversity policy.

c) There are any other material considerations which must be addressed?

The following material planning considerations have been identified:

SPP - Sustainable development

Scottish Planning Policy (SPP) is a significant material consideration due to the LDP being over 5 years old. Paragraph 28 of SPP gives a presumption in favour of development which contributes to sustainable development. Paragraph 29 outlines the thirteen principles which should guide the assessment of sustainable development.

The proposal complies with Paragraph 29 of SPP.

Emerging policy context

On 30 November 2022 the Planning Committee approved the Schedule 4 summaries and responses to Representations made, to be submitted with the Proposed City Plan 2030 and its supporting documents for Examination in terms of Section 19 of the Town and Country Planning (Scotland) Act 1997. At this time little weight can be attached to it as a material consideration in the determination of this application.

The Revised Draft National Planning Framework 4 was laid before the Scottish Parliament on 08 November 2022 for approval. As it has not completed its parliamentary process, only limited weight can be attached to it as a material consideration in the determination of this application.

Equalities and human rights

Due regard has been given to section 149 of the Equalities Act 2010. No impacts have been identified.

Consideration has been given to human rights. No impacts have been identified through the assessment and no comments have been received in relation to human rights.

Public representations

188 public representations were received, of which 166 were in objection, 13 were in support, and 9 were neutral towards the application.

material considerations objections

- Over concentration of student accommodation and overdevelopment. Addressed in Section C.
- Not compliant with Student Housing Guidance. Addressed in Section C.
- Negative impact on the setting of nearby listed buildings and scheduled monument, and of the demolition of a former church building. Addressed in Section C. The former church building is not a Listed Building.
- Development will not be adaptable to the future needs of different occupiers. The proposals could feasibly be adapted to different uses.
- Negative impact on the community and character of the local area. Addressed in Section C.
- Design Issues - height, massing, architectural style and quality, materials, out of keeping with the area/townscape, high housing density, and room size. Addressed in Section C.
- Landscaping and lighting issues. Addressed in Section C.
- Neighbouring amenity concerns. Addressed in Section C. Ambient heat amenity is not protected.
- The Noise Impact Assessment, Daylighting Assessment, Sunlighting Assessment and Transport Statement are insufficient, or use an unacceptable methodology. The assessments have been amended as necessary to provide sufficient information for the application to be assessed.
- Concerns about increased crime, anti-social behaviour and security. Crime and anti-social behaviour are matters for Police Scotland, Security impacts of the development's design have been addressed in Section C.
- Concerns about increases in carbon emissions. Addressed in Section C.
- Inadequate local waste infrastructure. Addressed in Section C.
- Will increase pedestrian and motor vehicle congestion. Addressed in Section C.
- Insufficient provision of parking and disabled parking. Addressed in Section C.
- Road safety and access concerns regarding illegal parking, new active travel connections, street clutter and waste collection. Illegal parking is a matter for Police Scotland. Road safety impacts have been addressed in Section C.
- Poor access to the site and Active Travel route design is poor. Addressed in Section C.
- Inadequate access and space to manoeuvre for emergency service vehicles. Addressed in Section C.

- Concerned about increased pressure on local public services (health and education) and on Active Travel Route deliverability. The necessity of applying planning obligations of this type was assessed and it was not considered necessary for the application's acceptability.
- Negative local economic impact. Addressed in Section C.
- Negative impact on wildlife and trees. Addressed in Section C.

non-material considerations objections

- Public opinion and perceived nationality of new residents.
 - Development ownership.
 - Developer and Edinburgh Council motivations, allegations of corruption.
 - Tax receipts from students.
 - Loss of residential accommodation and insufficient non-student housing.
 - Sufficient student accommodation in Edinburgh.
 - Purpose Built Student Accommodation can only be rented by students.
 - Impact on the value of neighbouring properties, local rental prices and the rents of the new flats will be too high.
 - Reduction to height of the party wall to the rear of 17 Yeaman Place.
 - Neighbouring amenity impacts of construction.
 - The proposals should be for a different type of development.
 - Insufficient public consultation and non-compliance with the Edinburgh Development Concordat. The applicant and Edinburgh Council have complied with the statutory obligations in relation to public consultation and the provisions of the Edinburgh Development Concordat.
 - Does not deliver Union Canal to Yeaman Place ramped access safeguard, and as such discriminates against disabled people. The application has been amended to deliver the ramped access safeguard.
 - Non-compliant with City Plan 2030.

Statements of support

- Supports the development of student accommodation on the site.
- The proposal will be of benefit to students who study at nearby universities.
- The design is acceptable, of good appearance, creates a sense of place, and will be positive for security.
- Supports the landscaping approach near the site's Union Canal egress and an improved frontage to the canal.
- Supports the provision of ramped access between the Union Canal towpath and Yeaman Place.
- Supports the provision of the central courtyard, as this will be well used.

Conclusion in relation to identified material considerations

The material considerations identified do not outweigh the application's acceptability in relation to the development plan.

Overall conclusion

The proposal is acceptable with regard to Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

The proposals will deliver Purpose Built Student Accommodation on a site which has a number of constraints, and though it infringes certain aspects of non-statutory guidance regarding neighbouring sunlighting, cycle parking and student housing, the extent of this infringement is limited, and overall the proposals are acceptable subject to conditions. The proposals will deliver on a ramped access safeguard, replace the existing scrapyards use with another use of lesser impact on neighbouring amenity, encourage active and sustainable transport use, preserve the setting of nearby listed buildings, and contribute to the vitality of the Dundee Street Local Centre and to the regeneration of the wider area.

The proposal complies with the policy principles of sustainable development set out in Scottish Planning Policy (SPP), and is acceptable in relation to the development plan. No other material considerations outweigh the presumption to grant planning permission.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

Conditions

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted. If development has not begun at the expiration of this period, the planning permission lapses.
2. Prior to the commencement of construction works on site:
 - a. A site survey (including intrusive investigation where necessary) must be carried out to establish to the satisfaction of the Head of Planning, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and
 - b. Where necessary, a detailed schedule of any remedial and /or protective measures, including their programming, must be submitted to and approved in writing by the Head of Planning.

Any required remedial and/or protective measures shall be implemented in accordance with the approved schedule and documentary evidence to certify those works shall be provided to the satisfaction of the Head of Planning.

3. The noise from the proposed ASHP plant shall meet the maximum output levels as detailed in Table 9 of the ITP Energised Noise Impact Assessment (Project 5095, v2 dated 11-11-2022).

4. The proposed lift shafts shall be made with reinforced cast in situ concrete (2340kg/m³) of 200mm thickness. In bedrooms adjacent to a lift shaft an independent lining shall be installed on the shaft side of the bedroom wall to reduce the impact of re-radiated noise due to vibrations from the lift movement. The guide rails of lifts must be isolated from the structure.
5. No demolition, development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (historic building recording, excavation, analysis, reporting, publication, preservation/conservation, public engagement) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.
6. A detailed specification, including trade names where appropriate, of all the proposed external materials shall be submitted to and approved in writing by the Planning Authority before work is commenced on site; Note: samples of the materials may be required.
7. A detailed specification, including trade names where appropriate, of all the proposed external lighting shall be submitted to and approved in writing by the Planning Authority before work is commenced on site; external lighting on the site will operate during night time hours, these hours being 30 minutes after sunset to 30 minutes before sunrise each day.
8. Notwithstanding the permitted development rights under Schedule 1, Part 2 Sundry Minor Operations of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended), no gate, fence, wall or other means of enclosure, shall be erected that would inhibit access from the towpath of the Union Canal, access from Dundee Street, or access from Yeaman Place.
9. Notwithstanding what is shown on the approved plans, a minimum of 148 cycle parking spaces in a secure and under cover location will be provided, with a minimum 50% in single tier racks and a minimum of 20% for nonstandard cycles.

Reasons

1. To accord with Section 58 of the Town and Country Planning (Scotland) Act 1997.
2. In order to ensure the site is made safe for the proposed use.
3. In order to protect residential amenity.
4. In order to protect residential amenity.
5. In order to safeguard the interests of archaeological heritage.
6. In order to enable the planning authority to consider this/these matter/s in detail.
7. In order to protect public safety and residential amenity.

8. To ensure the active travel route link;
9. In order to comply with Local Development Plan Policy Tra 3 in respect of Private Cycle Parking ;

Informatives

It should be noted that:

1. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.
2. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.
3. This consent is for planning permission only. Work must not begin until other necessary consents, eg Scheduled Monument Consent, have been obtained.
4. Particular attention must be paid to ensuring that emergency service and refuse collection vehicles are able to service the site.
5. The applicant should ensure that public utilities are located so as to ensure emergency service access to the site at all times;
6. The applicant should note that:
 - a. bollards, gates or similar access restrictions are not considered acceptable for the site and will not be permitted under road construction consent;
 - b. waiting and loading restrictions will be required for the site;
 - c. a Quality Audit, as set out in Designing Streets, will be required prior to the grant of Road Construction Consent;
 - d. new road names may be required for the development and this should be discussed with the Council's Street Naming and Numbering Team at an early opportunity;
7. As the development is student housing, they will not be eligible for residential parking permits in accordance with the Edinburgh Council Transport and Environment Committee decision of 4 June 2013.
8. All accesses should be open for use by the public in terms of the statutory definition of 'road' and the subject of applications for road construction consent.

Background Reading/External References

To view details of the application go to the [Planning Portal](#)

Further Information - Local Development Plan

Date Registered: 20 July 2022

Drawing Numbers/Scheme

01B, 02-04, 05B, 06B, 07A, 09B, 10B, 11A, 12A, 13B-18B,19A, 20A, 21B, 22A, 23A, 24B-27B, 28A - 30A, 31B-41B, 42A,43A, 44B, 45B, 46-49, 50C, 51A, 52, 53, 54B, 55A, 56, 57,

Scheme 4

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: James Armstrong, Assistant Planning Officer
E-mail:james.armstrong@edinburgh.gov.uk

Summary of Consultation Responses

NAME: Natural Environment

COMMENT: Require bat presence/absence surveys. Surveys Completed.

DATE: 27 July 2022

NAME: Archaeology

COMMENT: No objection subject to the application of the recommended condition.

DATE: 3 August 2022

NAME: Scottish Canals

COMMENT: Supports the development. Provides detailed comments on links to the towpath, public realm and non-planning related matters for agreement between the developer and Scottish Canals,

DATE: 15 August 2022

NAME: Historic Environment Scotland

COMMENT: No objection. We are content that the proposed development would not have an adverse impact on the setting of the scheduled monument. Need to apply for Scheduled Monument Consent.

DATE: 10 October 2022

NAME: Merchiston Community Council

COMMENT: Objects to the height, massing, materials and design quality.

The development represents overdevelopment and intrudes into the intended garden space of the tenements of Yeaman Place and Murdoch Terrace.

The new buildings will be overlooked and provide unacceptable levels of amenity for the new residents. Does not comply with City Plan 2030.

Scrapyard only operates during normal working hours and is required to observe Environmental Health regulations.

Application does not meet the housing needs of the area. There is ample student housing within the vicinity.

DATE: 25 November 2022

NAME: Policy

COMMENT: Provided data on student housing concentration. Updated 18.11.2022.

DATE: 18 November 2022

NAME: Transportation

COMMENT: No objection subject to the application of conditions and informatives.

DATE: 12 December 2022

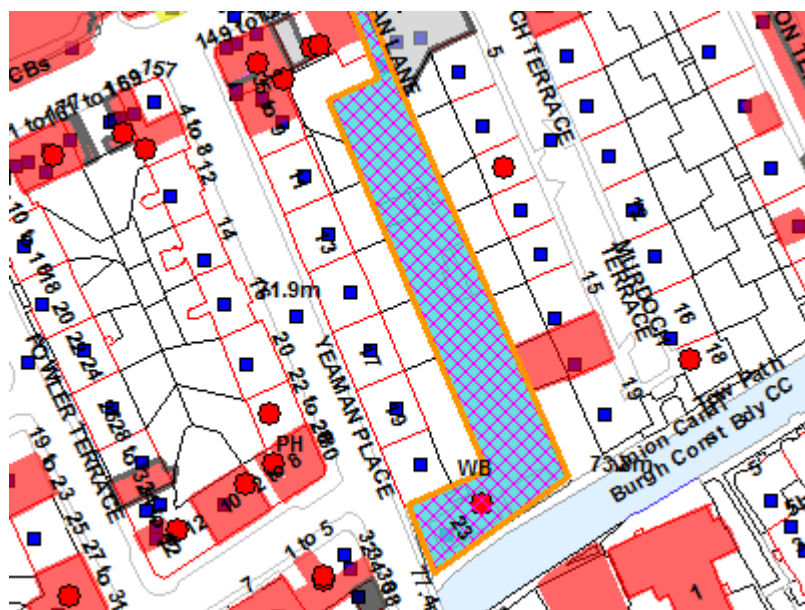
NAME: Environmental Protection

COMMENT: No objection to the application of recommended conditions.

DATE: 22 November 2022

The full consultation response can be viewed on the [Planning & Building Standards Portal](#).

Location Plan



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Development Management Sub-Committee Report

Wednesday 11 January 2023

**Application for Planning Permission
72 - 74 Eyre Place, Edinburgh, EH3 5EL.**

Proposal: Proposed erection of nine townhouses with associated amenity space, access, cycle parking, car parking and landscaping.

**Item – Committee Decision
Application Number – 22/03833/FUL
Ward – B05 - Inverleith**

Reasons for Referral to Committee

The application is referred to the Development Management Sub-Committee as 30 objections and 45 support comments to the proposals have been made. Consequently, under the Council's Scheme of Delegation, the application must be determined by the Development Management Sub-Committee.

Recommendation

It is recommended that this application be **Granted** subject to the details below.

Summary

The application for development is acceptable with regard to Sections 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and complies with relevant policies contained within the Edinburgh Local Development Plan. Non conformities with the relevant non-statutory guidance in relation to daylight and cycle parking are justified. The proposals preserve the character and appearance of the conservation area. There are no material considerations which outweigh this conclusion.

SECTION A – Application Background

Site Description

The proposal relates to a vacant plot located on the east side of Eyre Place Lane to the south of Eyre Place. The site covers an area of 0.14 hectares and was formerly in use as a builders' merchant/yard (Class 6). The former builders' yard has been sub divided into two and this application relates to the southern section. All buildings and structures relating to this former use have now been demolished which mainly consisted of single storey warehouse buildings and stock display areas. A children's activity centre, forming part of King George V Park and known as The Yard, is located to the south of the site.

The site is located out with, but abutting, the boundary of the New Town Conservation Area which bounds the site to the west side of Eyre Place Lane. Part of this application site falls within the Historic Garden Designed Landscape - Inventory Site: New Town Gardens and Dean.

The existing site is on two distinct levels, with a lower section to the south. It is proposed that this is graded level and meet Eyre Place lane.

Description of the Proposal

The application proposes the demolition of all existing buildings on the site, and the erection of nine residential dwellings. These will be a single terrace of three storey, four bedroom townhouses. Eight car parking spaces will be included to the rear of the houses, each with EV charging capabilities.

The design of the houses will feature a flat roof with blue/green capabilities, and solar photovoltaic panels. Proposed materials include a predominantly brick finish with feature areas of aluminium cladding to ground and first floor, with aluminium standing seam finish to the second floor which will have a recessed dormer appearance.

A new two metre wide publicly accessible footpath is to be formed in front of the townhouses and will extend the full length of the eastern side of Eyre Place lane.

Supporting Information

- Pre-application Consultation Report
- Design & Access Statement ('D&AS')
- Heritage Statement
- Archaeological Desk Based Assessment
- Archaeological Written Scheme of Investigation
- S1 Sustainability Form
- Daylight & Sunlight Analysis
- Air Quality Impact Assessment
- Noise Impact Assessment
- Bat Roost Potential Survey
- Surface Water Management Plan (inc. Flood Risk Assessment)
- Transport Statement
- Phase 1 Site Investigation

Relevant Site History

22/03834/FUL
72 - 74 Eyre Place
Edinburgh
EH3 5EL

Erection of student accommodation with associated amenity space, access, cycle parking and landscaping (142 studio flats) (as amended).

Other Relevant Site History

No additional history.

Pre-Application process

Pre-application discussions took place on this application.

Consultation Engagement

Scottish Water

Archaeology

Environmental Protection

Historic Environment Scotland

Children and Families

Transport

New Town/Broughton Community Council

Refer to Appendix 1 for a summary of the consultation response.

Publicity and Public Engagement

Date of Neighbour Notification: 3 August 2022

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): 12 August 2022;

Site Notices Date(s): 9 August 2022;

Number of Contributors: 81

Section B - Assessment

Determining Issues

Due to the proposed development falling adjacent to a conservation area, this report will first consider the proposals in terms of Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997:

- Is there a strong presumption against granting planning permission due to the development conflicting with the objective of preserving or enhancing the character or appearance of the conservation area?
- If the strong presumption against granting planning permission is engaged, are there any significant public interest advantages of the development which can only be delivered at the scheme's proposed location that are sufficient to outweigh it?

This report will then consider the proposed development under Sections 25 and 37 of the Town and Country Planning (Scotland) Act 1997 (the 1997 Act):

Do the proposals comply with the development plan?

If the proposals do comply with the development plan, are there any compelling material considerations for not approving them?

If the proposals do not comply with the development plan, are there any compelling material considerations for approving them?

In the assessment of material considerations this report will consider:

- the Scottish Planning Policy presumption in favour of sustainable development, which is a significant material consideration due to the development plan being over 5 years old;
- equalities and human rights;
- public representations; and
- any other identified material considerations.

Assessment

To address these determining issues, it needs to be considered whether:

a) The proposals harm the character or appearance of the conservation area?

The following HES guidance is relevant in the determination of this application:

- Managing Change : Setting
- Managing Change : Gardens and Designated Landscapes

The proposed development site lies outwith, but directly adjacent to the boundary of the New Town Conservation Area. The conservation area boundary runs along the length of Eyre Place Lane and along the southern boundary of the site adjoining 'The Yard' and extends over King George V Park. As a result of the proximity of the site to the conservation area, any development has the potential to impact on its setting.

The 'New Town Conservation Area Character Appraisal' identifies that there are a number of key areas of setting and edges to the conservation area. The area around the application site is not identified as a key gateway to the conservation area and the proposals will not impact on any significant vistas and views. A Heritage Statement has been submitted with the application which identifies and provides an assessment on the impact of the proposals on nearby heritage assets which lie within 500 metres of the site. The statement identifies that the northern part of the New Town Conservation Area, has a different character to the formal planned areas to the south. As a result, the proposals would have a low adverse impact on the setting of existing built heritage.

The southern end of site is designated as part of the Historic Garden Designed Landscape - Inventory Site: New Town Gardens and Dean. The boundary of this designation also runs along Eyre Place Lane itself adjoining the application site. The proposals will involve the redevelopment of an existing vacant brownfield site within an existing urban area. The site is not directly adjacent to any areas which are part of the historically designed public and private open spaces which characterises this designation. Historic Environment Scotland have been consulted and no concerns raised have been raised in relation to the impact of the proposals on the designated landscape. The proposals will have a neutral impact on the setting of the designated landscape.

Conclusion in relation to the conservation area

The proposals are acceptable with regards to Sections 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as the works will preserve the special character and appearance of the conservation area.

The proposals comply with the development plan?

The Development Plan comprises the Strategic and Local Development Plans. The relevant Edinburgh Local Development Plan 2016 (LDP) policies to be considered are:

- LDP Developer Contributions Policy Del 1
- LDP Design Policies Des 1, Des 2, Des 3, Des 4, Des 5, Des 6, Des 7, Des 8,
- LDP Housing Policies Hou 1, Hou 2, Hou 3, Hou 4, Hou 8, Hou 10
- LDP Environment Policies Env 6, Env 7, Env 8, Env 9, Env 20, Env 21, Env 22
- LDP Transport Policies Tra 2, Tra 3, Tra 4
- LDP Employment Policy Emp 9
- LDP Resources Policies Rs 1, Rs 6

The non-statutory Edinburgh Design Guidance is a material consideration that is relevant when considering the above policies.

Principle

Within the urban area, LDP Policy Hou 1 gives priority to the delivery of housing land supply and the relevant infrastructure on suitable sites in the urban area provided proposals are compatible with other policies in the plan. The proposal for residential townhouses at this site, complies in principle with the requirements of this policy (subject to other policy considerations).

LDP policy Hou 2 (Housing Mix) states that the Council will seek a mix of house types and sizes where practicable to meet a range of housing needs. The site sits directly opposite an existing terrace of townhouses. However, the predominant house type in the local area is tenement flats. Although the proposals feature a single house type, this meets the need for family homes within the immediate area and complies with Hou 2.

Loss of employment Uses

LDP Policy Emp 9 (Employment Sites and Premises) supports the redevelopment of premises in the urban area for uses other than business provided that the introduction of non-employment uses will not prejudice or inhibit the activities of any nearby employment use and the proposal will contribute to the comprehensive regeneration and improvement of the wider areas. As the site area falls under one hectare, there is no requirement for replacement business spaces to be provided.

The surrounding area is mainly residential in character, a children's activity centre is located at the end of Eyre Place lane with small business uses found on Eyre Place. The proposed residential use in this location would not inhibit these nearby uses. The proposal complies with Emp 9.

Conservation Area Setting

The impact on the setting of the New Town Conservation Area has been assessed in section a) above which concluded that this would be preserved. The proposal complies with the objectives of LDP Policy Env 6.

Height, scale and massing

LDP Design Policies Des 1 - Des 8 set a requirement for proposals to be based on an overall design concept which draws on the positive characteristics of the surrounding area with the need for a high quality of design which is appropriate in terms of height, scale and form, layout, and materials.

The spatial character of the area is mixed with tenement scale flats and lower scale mews properties to Eyre Place Lane. The application proposes houses which will reflect the existing mews character of the lane and respect the street hierarchy. The applicant has provided detailed sections and elevations to demonstrate that the heights are appropriate in their immediate context, complying with and LDP Policies Des 3 and Des 4.

In terms of immediate outlook, the proposals are within an existing urban area, and although near to an area of open space at King George V Park, there are no significant local views of this space which would be affected by the proposals.

The application complies with LDP Policy Des 3 and 4.

LDP Policy Hou 4 Housing Density seeks an appropriate density of development on each site having regard to a number of factors. The approximate density of the proposed development is 64 dwellings per hectare, which is relatively low relation to the wider area. However, this is a secondary lane in terms of the street hierarchy, and low rise development is an appropriate design response where mews style properties are commonly found in lanes to the rear of tenement scale buildings.

Design and Materials

LDP Policy Des 1 (Design Quality and Context) states that proposals should be based on an overall design concept that draws on the positive characteristics of the surrounding area. The proposed elevational treatment of the block is relatively uniform, with a principal elevation facing Eyre Place and secondary elevations to the east and west.

The proposed material palette of brick with aluminium cladding detailing and upper floors are appropriate within the location and will not detract from the character of the wider area. The use of materials and choice of colours references not only the industrial heritage of the site, but also the texture of the neighbouring buildings such as the existing townhouses on Eyre Place Lane which are finished in buff harling with standing seam window and dormer detailing.

Community security over adjoining streets and open spaces is promoted through a combination of active frontages at ground floor and natural surveillance at higher levels

The design and the proposed materials are suitable for the context and the mix of building forms and elevational treatment provides interest in compliance with LDP policy Des 1.

Landscaping

LDP Policy Hou 3 (Private Green Space) sets out that adequate provision for green space should be made to meet the needs of future residents. To the front elevation planters will be formed as part of the access arrangements to each of the dwellings. The EDG state that 'Where private gardens cannot be provided or where their depth is limited (for example less than 3m), there will be a greater need for street trees to be provided.' For urban design reasons, deep front gardens are not an appropriate design response in the lane and as a result, street trees are to be provided at the southern end of the new pavement.

To the rear, the ability to provide landscaped areas is restricted by the presence of a Scottish Water sewer asset in the south east corner of the site. As a result an area of hard standing is required to allow for vehicles to access this area for maintenance purposes. Consequently, landscaping to each house is provided through a series of terraces and decks with outdoor space or balconies provided at each of the three storeys on the east elevation. A condition can be added to ensure that the planting and materials are of an appropriate standard to these landscaped areas. It is not appropriate to request a contribution towards the wider greenspace network where these are already adequately rated.

The EDG target is for 50% of a space to achieve two hours or more of sunlight on 21 March. The submission has included to show a shadow path analysis of the external amenity areas assessed will exceed the BRE overshadowing target criteria on the spring equinox (21 March) attaining at least two hours of direct sunlight.

LDP Policy Des 8 Public Realm and Landscape Design supports development where all external spaces and features, including streets, footpaths, civic spaces, green spaces, boundary treatments and public art have been designed as an integral part of the scheme as a whole. Given the constraints of the site, the proposals provide an appropriate response and continuity throughout the scheme.

Co-ordinated development

Policy Des 2 (Co-ordinated Development) states that planning permission will be granted for development which will not compromise: a) the effective development of adjacent land; or b) the comprehensive development and regeneration of a wider area as provided for in a master plan, strategy or development brief approved by the Council.

Details shown in the submitted planning application for student accommodation to the adjoining site to the north show that this is not compromised by the proposed townhouses.

Amenity for Neighbours and Future Occupiers

LDP Policy Des 5 (Amenity) sets out criteria for ensuring future occupants have acceptable levels of amenity in relation to noise, daylight, privacy or immediate outlook. Regarding privacy, the guidance states that the pattern of development in an area will help to define appropriate distances between buildings and privacy distances. The proposed layout of the development will result in a distance between the proposed dwellings and existing houses on Eyre Place Lane of between 8 and 10 metres. The affected windows in terms of privacy would be at first and second floor level. These include Juliette balconies from the proposed development and living areas/bedrooms to the existing townhouses on the west side of the lane. This is a relatively small distance but is typical of mews lane developments in the New Town. The proposals on balance comply with LDP Policy Des 5.

In terms of daylight to neighbours and future occupiers, a section through the townhouses shows that 27% Vertical Sky Component is achieved as the building's height does not rise above the 25-degree line. This line has been taken from the first storey of the adjacent mews block as the ground floors are garages and entrances with living spaces starting on the first storey on the west side. The existing flats located on Rodney Place are located at an elevated level to the application site and there will be no adverse impacts in terms of daylight and sunlight.

Transport

LDP Policies Tra 2 (Private Car Parking) and Tra 3 (Private Cycle Parking) set out the requirement for private car and cycle parking. The Council's Parking Standards for developments are contained in the Edinburgh Design Guidance.

A total of eight car parking spaces are proposed to be located at the rear of the townhouses. Each of these parking spaces are to include EV charging points. Cycle storage provision is to be located within the main rear amenity spaces for each house with a further communal store provided. Cycle parking provision is made for 3 spaces per townhouse (300%). The site is conveniently located for access to local bus services.

The proposals include the formation of a new footway to the front of the proposed townhouses. A stopping up order may be required to facilitate the proposed footway and road layout on site.

The proposal complies with LDP policies Tra 2 and Tra 3.

Sustainability

Policy Des 6 (Sustainability) states permission will be granted for new development where it is demonstrated that: a) current carbon dioxide emissions targets have been met b) features are incorporated to reduce or minimise environmental resource use. A sustainability statement has been submitted including a carbon reduction declaration to confirm the development will comply with current carbon dioxide emissions targets. In addition, low and zero carbon emitting equipment is incorporated including air source heat pumps as a heating solution, solar PV panels to roof level and cycle storage to encourage use of a sustainable transport mode. The proposal therefore complies with LDP policy Des 6.

Flooding

LDP Policy Env 21 (Flood Protection) states that planning permission will not be granted for development that would increase flood risk or be at risk of flooding itself.

The site falls within an area which according to SEPA maps is at defined potential risk of surface water flooding. A Flood Risk Assessment and a Surface Water Management Plan have been provided alongside the associated checklists and certificates required for this scale of development. Flood Prevention has reviewed the information and has confirmed its acceptability. The proposals also include an element of blue/green roofs which will provide additional surface water runoff capacity.

Scottish Water does not object to the proposals, but has provided advisory notes for the applicant in relation to water and waste water capacity.

Archaeology

LDP Policies Env 8 and Env 9 aim to preserve archaeological remains in situ as a first option and alternatively where this is not possible, archaeological excavation or an appropriate level of recording may be acceptable. It has been identified that this site has potential for unrecorded remains therefore a condition could be attached to ensure a programme of archaeological work is carried out prior to/during development to excavate, record and analysis of any surviving archaeological remains that may occur.

Waste

LDP Policy Des 5 (Development Design - Amenity) sets out that planning permission will be granted for development where it is demonstrated that (amongst other matters) refuse and recycling facilities have been sensitively integrated into the design.

There is a single access route to the proposed houses along Eyre Place Lane. This route is of insufficient standard to meet Council's Waste Services guidance in allowing space and turning areas for refuse vehicles. The existing townhouses on Eyre Place Lane are serviced by being presented on Logan Street to the west. As a result, following dialogue with Waste Services, a strategy has been agreed which would require future occupiers of the proposed townhouses to present the relevant bins on Eyre Place. It is anticipated that this would be in the servicing area of a proposed student housing development which is currently pending. Outwith this time, bins will be stored in an external covered store either under or adjacent to each resident's private external terrace area to the rear.

Given that this strategy has been agreed by Waste Services, the proposals comply with Des 5.

Healthcare

The site is not within a Healthcare Contribution Zone. The site falls within the catchment for existing GP practices and it is anticipated that the additional patients can be absorbed into these practices and no new actions are required. In this regard, no contribution is required at this time.

Education

LDP Policy Del 1 (Developer Contributions and Infrastructure Delivery) states that proposals will be required to contribute to infrastructure provision including education provision as identified in the plan. Education contributions will be applied in accordance the finalised Developer Contributions and Infrastructure Delivery Supplementary Guidance (2018), supported by the Action Programme updates, including the update in December 2021. The finalised Developer Contributions and Infrastructure Delivery Supplementary Guidance (2018) requires an assessment of the cumulative impact of all new development on education infrastructure having regard to school roll projections and an assumption about potential developments within the area at the time of the assessment. The Education Actions in the Action Programme Update (December 2021) were based on data from the 2020 Housing Land Audit and 2020 School Roll Projections.

The costs to deliver the education actions were increased to reflect increases in construction costs based on the Council's experience awarding contracts to extend and build new schools and to reflect the Council's commitment to deliver low energy, high quality, Passivhaus buildings.

This application has come forward with a lower number of dwellings than anticipated in the City Plan 2030 Education Appraisal (September 2021). To address future accommodation pressure at Stockbridge Primary School it may be necessary to carry out a statutory consultation to realign part of its catchment area to another primary school. There is a requirement to provide additional secondary places at Broughton High School. Accordingly, to mitigate the cumulative impact of development that would be anticipated if this proposal and other urban area sites progressed, the proposed development is therefore required to make a contribution towards the delivery of an extension to Broughton High School at a rate of £12,942 per house, index linked from Q1 2021.

Ecology

The site is existing developed land with little opportunity for habitat. Active bat surveys have been carried out and no evidence of current roosting found on the site where only one building remains. It is recommended that further ecological enhancements are carried out in the proposed building and these should be included as informatives.

Air Quality

LDP policy Env 22 advises that planning permission will only be granted where there will be no significant adverse effects on: air, and soil quality; the quality of the water environment; or on ground stability. An Air Quality Impact Appraisal has been submitted with the application which concludes that the development will have a negligible impact upon the local air quality during both the construction (road traffic) and operational phase.

Contaminated Land

The site has been developed for commercial and industrial uses for a significant time. These uses have the potential to contaminate the site. Should the application be granted, then a condition could be attached to ensure that the site is made safe for the proposed end use.

Conclusion in relation to the Development Plan

On the whole, the proposals are in accordance with the Development Plan associated guidance. The proposals are an acceptable design, scale, height and density are appropriate for the location and there will be an acceptable level of amenity achieved. Access arrangements are acceptable as are the proposed landscaping, surface water, sustainability and waste and recycling arrangements. There are no material considerations which outweigh the proposals accordance with the Development Plan.

b) There are any other material considerations which must be addressed?

The following material planning considerations have been identified:

SPP - Sustainable development

Scottish Planning Policy (SPP) is a significant material consideration due to the LDP being over 5 years old. Paragraph 28 of SPP gives a presumption in favour of development which contributes to sustainable development. Paragraph 29 outlines the thirteen principles which should guide the assessment of sustainable development.

The proposal complies with Paragraph 29 of SPP.

Emerging policy context

The Revised Draft National Planning Framework 4 was laid before the Scottish Parliament on 08 November 2022 for approval. As it has not completed its parliamentary process, only limited weight can be attached to it as a material consideration in the determination of this application.

On 30 November 2022 the Planning Committee approved the Schedule 4 summaries and responses to Representations made, to be submitted with the Proposed Cityplan 2030 and its supporting documents for Examination in terms of Section 19 of the Town and Country Planning (Scotland) Act 1997. At this time little weight can be attached to it as a material consideration in the determination of this application.

Equalities and human rights

Due regard has been given to section 149 of the Equalities Act 2010.

Consideration has been given to human rights. No impacts have been identified through the assessment and no comments have been received in relation to human rights.

Public representations

A summary of the representations is provided below:

material considerations - objections - addressed in sections a) and b) above:

- Insufficient access to bus services;
- Insufficient access to healthcare services
- Loss of daylight to neighbours;
- Loss of privacy;
- Refuse collection not suitable on Eyre Place Lane;
- Potential to be used as HMO's (a change of use would be required)
- Inappropriate design and materials;
- Insufficient provision of outdoor space;
- Insufficient parking proposed;
- Increased vehicle trips;
- Potential to increase flooding;
- Adverse impact on historic character of the area;

- Excessive density;
- Existing pavements insufficient width;
- Inability to turn vehicles in Eyre Place Lane;
- Response to site levels required;
- Sunlight study does not take into account bedrooms to the rear of the existing townhouses on Eyre Place Lane (beyond scope);
- Inaccuracies in Surface Water Management Plan.

non - material considerations - objections

- Students are a transient population;
- Antisocial behaviour from students;
- Land not entirely in ownership of applicant;
- Lack of Equality Impact Assessment by applicant;
- Access for occupiers required during construction period;
- Insufficient PAC/pre application process;
- Should be considered as a single application with neighbouring proposals for student housing;
- Students don't pay council tax;
- No universities nearby;
- Free bus travel for under 22's will adversely impact on existing services;
- Potential to be used as holiday lets;
- Loss of existing community garden;
- Confirmation that neighbour notification has been carried out correctly;
- Drawings submitted not to scale;
- Impact on existing title deeds;
- No gas or oil to be used on site;
- Does not comply with City Plan 2030;
- Site should be used for EV charging;
- Noise impacts during construction period.

material considerations - Support

- Appropriate design for the area;
- In keeping with existing townhouses on Eyre Place Lane;
- Brings residential housing to an area where needed;
- Change of use will reduce noise/pollution impact from builders yard;
- Well located site for public transport access;
- Swift bricks should be included as a condition.

non - material considerations - Support

- Will be built in accordance with building standards.

Conclusion in relation to identified material considerations

There are no equalities or human rights issues, and the proposal complies with the SPP Sustainability Principles. The material considerations do not raise any matters which would result in recommending the application for refusal. Therefore, the application should be granted.

Overall conclusion

The application for development is acceptable with regard to Sections 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and complies with relevant policies contained within the Edinburgh Local Development Plan. Nonconformities with the relevant non-statutory guidance in relation to daylight and cycle parking are justified. The proposals preserve the character and appearance of the conservation area. There are no material considerations which outweigh this conclusion.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

Conditions :-

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted. If development has not begun at the expiration of this period, the planning permission lapses.
2. Prior to the commencement of construction works on site:
 - (a) A site survey (including initial desk study as a minimum) must be carried out to establish to the satisfaction of the Head of Planning, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and
 - (b) Where necessary, a detailed schedule of any remedial and/or protective measures, including their programming, must be submitted to and approved in writing by the Head of Planning

Any required remedial and/or protective measures shall be implemented in accordance with the approved schedule and documentary evidence to certify those works shall be provided to the satisfaction of the Head of Planning.

3. The noise mitigation measures as specified within ITP Energised noise impact assessment no. 5094 and dated 21/9/22 shall be installed prior to occupation of the development.
4. No demolition, development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (Geoarchaeological sampling and analysis, excavation, analysis & reporting, publication, public engagement) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.
5. A fully detailed landscape plan, including details of all hard and soft surface and boundary treatments and all planting, shall be submitted to and approved in writing by the Planning Authority before work is commenced on site.

6. The approved soft landscaping scheme shall be fully implemented within the first planting season of the completion of the development. All planting carried out on site shall be maintained by the developer to the satisfaction of the Planning Authority for a period of 5 years from the date of planting. Within that period any plants which are dead, damaged, missing, diseased or fail to establish shall be replaced annually with others of a size and species similar to those originally required to be planted, or in accordance with such other scheme, as may be submitted to and approved in writing by the Planning Authority.
7. A detailed specification, including trade names where appropriate, of all the proposed external materials shall be submitted to and approved in writing by the Planning Authority before work is commenced on site; Note: samples of the materials may be required.
8. Prior to the commencement of development, details shall be submitted to show the location of proposed swift bricks/boxes on the proposed building. Thereafter, the building shall be constructed in accordance with these details as approved by the Planning Authority.
9. The electric vehicle charging points as shown on the approved plans should be installed and operational prior to occupation of development.

Reasons: -

1. To accord with Section 58 of the Town and Country Planning (Scotland) Act 1997.
2. In order to protect the amenity of the occupiers of the development.
3. In order to ensure that the nature of the use of the premises remains compatible with the character of the surrounding area, and that no activities or processes take place which may be detrimental to its amenities.
4. In order to safeguard the interests of archaeological heritage.
5. In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site.
6. In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site.
7. In order to enable the planning authority to consider this/these matter/s in detail.
8. In order to safeguard the interests of nature conservation.
9. In the interests of local air quality.

Informatives

It should be noted that:

1. Consent shall not be issued until a suitable legal agreement has been concluded in relation to education as set out below:
The proposed development is required to contribute £116,478 towards the delivery of actions relating to Broughton High School. The legal agreement should be concluded within 6 months of the date of this notice. If not concluded within that 6 month period, a report will be put to committee with a likely recommendation that the application be refused.
2. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.
3. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.

Background Reading/External References

To view details of the application go to the [Planning Portal](#)

Further Information - [Local Development Plan](#)

Date Registered: 3 August 2022

Drawing Numbers/Scheme

01-19

Scheme 1

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Rachel Webster, Planning Officer
E-mail: rachel.webster@edinburgh.gov.uk

Appendix 1

Summary of Consultation Responses

NAME: Scottish Water

COMMENT: No objections. Scottish water will not accept any new surface water connections into the combined sewer. Existing Scottish Water assets exist on the site.

DATE: 18 August 2022

NAME: Archaeology

COMMENT: No objections subject to condition. The site occurs across the site of the Canonmills Loch.

DATE: 5 August 2022

NAME: Environmental Protection

COMMENT: No objections subject to conditions relating to site contamination, noise and EV charging.

DATE: 22 September 2022

NAME: Historic Environment Scotland

COMMENT: No comments.

DATE: 17 August 2022

NAME: Children and Families

COMMENT: No objection subject to developer contribution of £116,478 for secondary school infrastructure.

DATE: 14 November 2022

NAME: Transport

COMMENT: No response.

DATE:

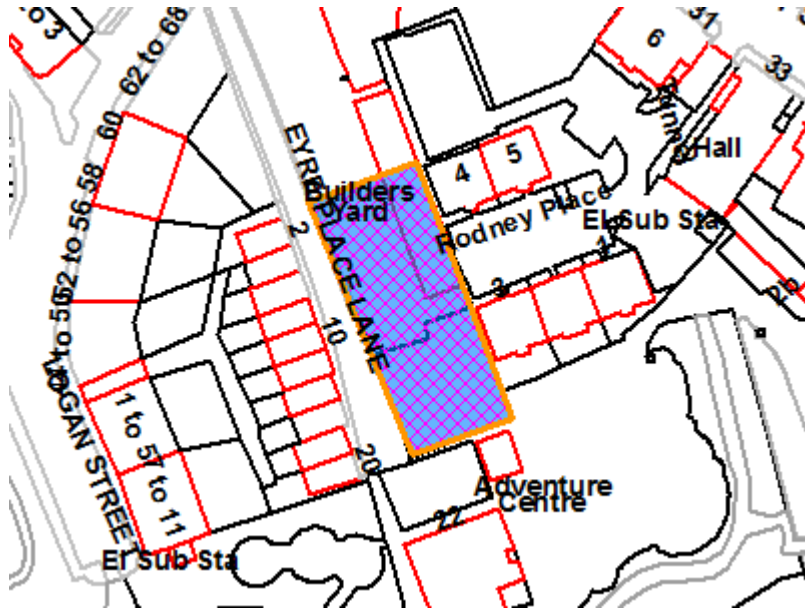
NAME: New Town/Broughton Community Council

COMMENT: Neutral stance with comments.

DATE:

The full consultation response can be viewed on the [Planning & Building Standards Portal](#).

Location Plan



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Development Management Sub-Committee Report

Wednesday 11 January 2023

**Application for Planning Permission
72 - 74 Eyre Place, Edinburgh, EH3 5EL.**

Proposal: Erection of student accommodation with associated amenity space, access, cycle parking and landscaping (142 studio flats) (as amended).

**Item – Committee Decision
Application Number – 22/03834/FUL
Ward – B05 - Inverleith**

Reasons for Referral to Committee

The application is referred to the Development Management Sub-Committee as 398 objections and 25 support comments to the proposals have been made. Consequently, under the Council's Scheme of Delegation, the application must be determined by the Development Management Sub-Committee.

Recommendation

It is recommended that this application be **Granted** subject to the details below.

Summary

The application for development is acceptable with regard to Sections 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and complies with relevant policies contained within the Edinburgh Local Development Plan. Non conformities with the relevant non-statutory guidance in relation to daylight, cycle parking and use of land for student housing are justified. The proposals, preserve the character and appearance of the conservation area. There are no material considerations which outweigh this conclusion

SECTION A – Application Background

Site Description

The proposal relates to a vacant plot located on the east side of Eyre Place Lane to the south of Eyre Place. The site covers an area of 0.15 hectares and was formerly in use as a builders' merchant/yard (Class 6). The former builders' yard has been sub divided into two for the purposes of redevelopment, and this application relates to the northern section. All buildings and structures relating to this former use have now been demolished, and mainly consisted of single storey warehouse buildings and stock display areas. A children's activity centre, forming part of King George V Park and known as The Yard, is located to the south of the site.

The site is located outwith, but abutting, the boundary of the New Town Conservation Area which bounds the site to the west side of Eyre Place Lane. The southern section of the builders' yard, outwith the boundary of this application site, forms part of a Historic Garden Designed Landscape - Inventory Site: New Town Gardens and Dean.

Description of the Proposal

The application proposes the demolition of all existing buildings on the site, and the erection of a purpose built student accommodation (PBSA) block.

A total of 142 studio units are proposed, split between the following room sizes.

Compact Studio (less than 18 square metres)	17
DDA Studio	8
Standard Studio (18-21 square meters)	104
Premium Studio (more than 21 square metres)	13
TOTAL :	142

The proposals will also include communal internal amenity space for future occupiers of the development. This includes spaces on the ground, second and fifth floor with a combined area of 210 square metres with uses such as social lounges, gym, private dining spaces and games rooms.

The new building will be six storeys in height at its frontage with Eyre Place, and this steps down to five storeys when travelling along Eyre Place Lane. The highest part of the building will include a saw-tooth roof which will include solar panels on the south facing elements. A central roof terrace will provide additional amenity space for occupiers with additional accessible terrace on the western side. A smaller scale element of the building is proposed on its eastern side which is three storeys with a flat blue/green roof. At ground floor level, this part of the building is separated by a pend from the main block and contains ancillary uses such as plant rooms and bin stores.

Proposed materials include a predominantly sandstone finish to the front elevation facing Eyre Place with gold feature detailing. As the building steps along Eyre Place Lane and to the side and rear elevations, the proposed block will have a brick finish. To the top floor of the block grey standing seam cladding is proposed.

Supporting Information

- Pre application consultation (PAC) report;
- Design and Access Statement;
- Planning Statement;
- Flood Risk Assessment and Surface Water Management Plan (SWMP);
- Ground Investigation Report;
- Archaeology Report and Geoarchaeology;
- Heritage Statement;
- Air Quality Impact Assessment
- Noise Impact Assessment;
- Daylighting Study;
- Transport Statement;
- Sustainability Statement;
- Bat Roost Survey.

Relevant Site History

21/06729/PAN
72 - 74 Eyre Place
Edinburgh
EH3 5EL

Proposed demolition of existing buildings and structures and erection of a purpose-built student accommodation development, with associated amenity space, access, cycle parking and landscaping.

Pre-application Consultation approved.
12 January 2022

22/03833/FUL
72 - 74 Eyre Place
Edinburgh
EH3 5EL

Proposed erection of nine townhouses with associated amenity space, access, cycle parking, car parking and landscaping.

Other Relevant Site History

No other relevant history.

Pre-Application process

Pre-application discussions took place on this application.

Consultation Engagement

Scottish Water

Environmental Protection

Historic Environment Scotland

Transport Planning

New Town/Broughton Community Council

Refer to Appendix 1 for a summary of the consultation response.

Publicity and Public Engagement

Date of Neighbour Notification: 3 August 2022

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): 12 August 2022;

Site Notices Date(s): 9 August 2022;

Number of Contributors: 424

Section B - Assessment

Determining Issues

Due to the proposed development falling adjacent to a conservation area, this report will first consider the proposals in terms of Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997:

- Is there a strong presumption against granting planning permission due to the development conflicting with the objective of preserving or enhancing the character or appearance of the conservation area?
- If the strong presumption against granting planning permission is engaged, are there any significant public interest advantages of the development which can only be delivered at the scheme's proposed location that are sufficient to outweigh it?

This report will then consider the proposed development under Sections 25 and 37 of the Town and Country Planning (Scotland) Act 1997 (the 1997 Act):

Do the proposals comply with the development plan?

If the proposals do comply with the development plan, are there any compelling material considerations for not approving them?

If the proposals do not comply with the development plan, are there any compelling material considerations for approving them?

In the assessment of material considerations this report will consider:

- the Scottish Planning Policy presumption in favour of sustainable development, which is a significant material consideration due to the development plan being over 5 years old;
- equalities and human rights;
- public representations; and
- any other identified material considerations.

Assessment

To address these determining issues, it needs to be considered whether:

a) The proposals harm the character or appearance of the conservation area?

The following HES guidance is relevant in the determination of this application:

- Managing Change : Setting
- Managing Change : Gardens and Designated Landscapes

The proposed development site lies outwith, but directly adjacent to the boundary of the New Town Conservation Area. The conservation area boundary runs along the length of Eyre Place Lane and along the southern boundary of the site adjoining 'The Yard' and extends over King George V Park. As a result of the proximity of the site to the conservation area, any development has the potential to impact on its setting.

The 'New Town Conservation Area Character Appraisal' identifies that there are a number of key areas of setting and edges to the conservation area. The area around the application site is not identified as a key gateway to the conservation area and the proposals will not impact on any significant vistas and views. A Heritage Statement has been submitted with the application which identifies and provides an assessment on the impact of the proposals on nearby heritage assets which lie within 500 metres of the site. The statement identifies that the northern part of the New Town Conservation Area, has a different character to the formal planned areas to the south. As a result, the proposals would have a low adverse impact on the setting of existing built heritage.

The southern end of the existing builders' yard, outwith the boundary of this application site, and subject to a parallel application for residential uses, is designated as part of the Historic Garden Designed Landscape - Inventory Site: New Town Gardens and Dean. The boundary of this designation also runs along Eyre Place Lane itself adjoining the application site. The proposals will involve the redevelopment of an existing vacant brownfield site within an existing urban area. The site is not directly adjacent to any areas which are part of the historically designed public and private open spaces which characterises this designation. Historic Environment Scotland have been consulted and have no concerns in relation to the impact of the proposals on the designed landscape. The proposals will have a neutral impact on the setting of the designed landscape.

Conclusion in relation to the conservation area

The proposals are acceptable with regards to Sections 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as the works will preserve the special character and appearance of the conservation area.

The proposals comply with the development plan?

The Development Plan comprises the Strategic and Local Development Plans. The relevant Edinburgh Local Development Plan 2016 (LDP) policies to be considered are:

- LDP Design Policies Des 1, Des 2, Des 3, Des 4, Des 5, Des 6, Des 7, Des 8, Des 11
- LDP Housing Policies Hou 1, Hou 8, Hou 10
- LDP Environment Policies Env 6, Env 7, Env 8, Env 9, Env 20, Env 21, Env 22
- LDP Transport Policies Tra 2, Tra 3, Tra 4
- LDP Employment Policy Emp 9
- LDP Resources Policies Rs 1, Rs 6

The non-statutory Edinburgh Design Guidance is a material consideration that is relevant when considering the above policies.

Principle

Within the urban area, LDP Policy Hou 1 gives priority to the delivery of housing land supply and the relevant infrastructure on suitable sites in the urban area provided proposals are compatible with other policies in the plan. The proposal for residential student flats at this site complies in principle with the requirements of this policy (subject to other policy considerations). LDP Policy Hou 8 (Student Accommodation) supports the development of purpose-built student accommodation subject to two requirements. Firstly, proposals must be in a suitable location in relation to university and college facilities, and be well connected by means of walking, cycling or public transport. Secondly, it must not lead to an excessive concentration of student accommodation or transient population in the locality to an extent that would adversely affect the area and its established residential amenity or character.

The Council's Non-Statutory Student Housing Guidance re-enforces the requirements of policy Hou 8 and identifies that student accommodation needs should be met in well managed and regulated schemes where possible. The LDP advises that it is preferable in principle that student needs are met as far as possible in purpose-built student schemes. The guidance also refers to there being a greater potential for community imbalance where the student population is dominant, exceeding 50%.

Location of Student Housing

In terms of criterion a) of policy Hou 8, the site is located within easy walking distance of Rodney Street and Dundas Street which provides direct access routes towards the education campuses at University of Edinburgh main campus and Kings Buildings, Edinburgh College (Granton and Sighthill) and Edinburgh Napier University. There are also good linkages towards the city centre (and therefore additional educational institutions).

The National Cycle Route (NCR 75) enhances active travel connections into the wider cycling network and is accessed close to the application site in King George V Park or on Broughton Road. The site has appropriate access to educational facilities via a range of sustainable transport modes.

Criterion a) within the Student Housing Guidance accepts student housing in locations within or sharing a boundary with a main university or college campus. The application site is not adjacent to a defined university campus as highlighted within the non - statutory guidance on student housing. Criterion b) advises that 'outwith criterion a) student housing will generally be supported on sites with less than 0.25 hectares of developable area'. This site does not share a boundary with a university or college campus. The total site area for this application is 0.15 hectares. The proposals therefore comply with the locational aspect of LDP Policy Hou 8 and the supplementary guidance.

Concentration of Student Housing

Criterion b) of policy Hou 8 seeks to limit the concentration of student accommodation where it would have an adverse impact on the maintenance of balanced communities, or to the established character and residential amenity of the locality. The Student Housing Guidance advises that where the student population is dominant, exceeding 50% of the population, there will be a greater potential imbalance within the community.

The student population within the area is based on 2011 census data and the National Records of Scotland's Special Area population Estimates 2018. This data is then adjusted to include consented developments in the area to provide a 2020 figure. The 2020 figure assumes that all pending and consented applications for Purpose Built Student Accommodation (PBSA) have been granted and are fully occupied. The figure for the datazone is then adjusted to accommodate the application to provide an updated maximum figure for student percentage.

When considering a wider area of a 10 minute walk (approximately 800m) the 2011 census shows an overall student population concentration of 14%. This includes areas within part of the New Town, Stockbridge and Beaverhall. Within this wider area there is only one existing PBSA at Beaverbank with no other sites consented or pending. When reviewing the wider area as a whole, the resultant impact of the proposed development would increase the student population to 16%.

When viewed in isolation the student population within the single datazone of the application was recorded as 11% in the 2011 census. As a result of the application and considering the 2020 population estimate the percentage of students within this datazone would increase to 20%. The proposals will not result in an excessive cumulative impact on the concentration of students in the locality to the degree that would be detrimental to maintenance of a balanced community. Likewise, each of the datazones which adjoin that of the application site around Canonmills have an estimated student population in 2020 of between 8% and 36%. The Student Housing Guidance gives clarity that where the student population is dominant, exceeding 50% of the population, there will be a greater potential imbalance within the community. Given that the datazone of the application site, and those around the site fall well below the 50% criteria, the proposals contribute to a balanced community.

This proportion would not lead to an over-concentrated student population in the area and meets criterion b) of policy Hou 8 and the Student Housing Guidance.

Site Area and Mix of Uses

Criterion c) of the Student Housing Supplementary Guidance advises that 'sites identified as having a high probability of delivering housing within Map 5 taken from the LDP Housing Land Study (June 2014) and sites with greater than 0.25 hectares of developable area must comprise a proportion of housing as part of the proposed development'.

The site is not identified in the LDP Housing Land Study for delivering housing and therefore does not contribute towards the housing land supply. The site area as submitted in the application does not exceed the size criterion set out within the Student Housing Guidance and the expectation would be that there is a 50% contribution to housing on the site. However, the guidance also states that to avoid the sub-division of sites the applicant shall be required to demonstrate that the site did not form part of a larger area, within a single control or ownership, on 25th February 2016. Where this is not demonstrated the new build housing requirement, as set out in c), shall apply.

The application site is part of a larger site which was previously occupied by the builders' yard. This site has now been split to include the area under this application, and the land adjoining which has a concurrent planning application for 9 mainstream residential townhouses (22/01333/FUL). When the site area of both sites is combined, it has an area of 0.29 hectares, which exceeds maximum site (0.25 hectares) area for solely PBSA uses. Although the site area for the residential units does not meet the 50% criteria of the supplementary guidance, given that the site area is only marginally in excess of the standards, the occupation of 44% of the site with mainstream residential uses is an appropriate request.

The area contains a mix of uses, and the proposal will not be detrimental to the established character or residential amenity.

Mix of Accommodation Type

The proposal is for solely studio rooms therefore does not meet criteria d) of the Student Housing Guidance which advises that sites should comprise a mix of type of accommodation, including cluster units. The proposals include an open garden with seated areas / planters, internal amenity space, a games room, gym and a private dining room. These internal communal spaces alone occupy an area of 283 square metres. The design therefore provides communal amenity space which is of a proportionate scale and quality to encourage interaction between students. In this regard, a departure from criteria d) of the guidance is acceptable in this instance.

Employment Uses

LDP Policy Emp 9 (Employment Sites and Premises) supports the redevelopment of premises in the urban area for uses other than business provided that the introduction of non-employment uses will not prejudice or inhibit the activities of any nearby employment use and the proposal will contribute to the comprehensive regeneration and improvement of the wider areas. As the site area falls under one hectare, there is no requirement for replacement business spaces to be provided. Nonetheless there will be a small element of employment uses maintained by way of the running and maintenance of the student housing block.

The surrounding area is mainly residential in character, a children's activity centre is located at the end of Eyre Place lane with small business uses found on Eyre Place. An existing Public House (currently not operating) is located opposite the application site on Eyre Place. A noise impact assessment has been submitted to show that the operations of this premises would not be significantly inhibited unduly by the proposals.

Conservation Area Setting

The impact on the setting of the New Town Conservation Area has been assessed in section a) above which concluded this would be preserved. The proposal complies with the objectives of LDP Policy Env 6s.

Height, scale and massing

LDP Design Policies Des 1 - Des 8 set a requirement for proposals to be based on an overall design concept which draws on the positive characteristics of the surrounding area with the need for a high quality of design which is appropriate in terms of height, scale and form, layout, and materials.

LDP Policy Des 4 Development Design - Impact on Setting states that development should have a positive impact on its surroundings, including the wider townscape and landscape, and impact on existing views, including (amongst other matters) height and form. LDP Policy Des 3 Development Design - Incorporating and Enhancing Existing and Potential Features states that existing characteristics worthy of retention on the site have been incorporated in the proposals.

The spatial character of the area is mixed with neighbouring sites varying between one and five storeys. The application proposes a building which varies between three storeys and six storeys in height. The highest part of the development will front Eyre Place and this will step down in height along Eyre Place Lane. Although central parts of the development are six storeys in height, the introduction of some modulated, saw-tooth roof features and a stepped roof profile complement the topographic profile and visual character of the area, with the set back roof level aiding the protection of daylight levels to neighbouring properties. The applicant has provided detailed sections and elevations to demonstrate that the heights are appropriate in their immediate context, complying with and LDP Policies Des 3 and Des 4.

LDP policy Des 11 (Tall Buildings) states that development which rises above the prevailing building height will only be granted in specific circumstances. At the front of the building facing Eyre Place, the building will have a maximum height of 36.2 AOD. This is set higher than the ridge line of the neighbouring tenements to the east, 33.2 AOD. However, from street level, the set back of the top floor means that the perceived height will be lower. Beyond the frontage with Eyre Place, the existing flatted blocks on Rodney Place have a maximum height of 36.1 AOD. On this basis, the proposed development would not be overly conspicuous in local and city views and complies with LDP policy Des 11.

In terms of immediate outlook, the proposals are within an existing urban area, and although near to an area of open space at King George V Park, there are no significant local views of this space which would be affected by the proposals.

The application complies with LDP Policy Des 3, 4, 5 and 11.

Design and Materials

LDP Policy Des 1 (Design Quality and Context) states that proposals should be based on an overall design concept that draws on the positive characteristics of the surrounding area. The proposed elevational treatment of the block is relatively uniform, with a principal elevation facing Eyre Place and secondary elevations to the east and west.

The sawtooth roof form and set back upper floor references the site's industrial heritage which adds interest to longer views. The proposed material palette of natural sandstone facing Eyre Place, and brick with gold cladding to the side and rear ensures consistency between the elevations whilst maintaining the traditional character of materials on Eyre Place. The use of brick and choice of colours references not only the industrial heritage of the site, but also the texture of the neighbouring buildings such as the existing townhouses on Eyre Place Lane which are finished in buff harling.

Community security over adjoining streets and open spaces is promoted through a combination of active frontages at ground floor and natural surveillance at higher levels. As is typical in PBSA developments, the building will be serviced through a single main entrance with each studio accessed from main corridors.

The design and the proposed materials are suitable for the context and the mix of building forms and elevational treatment provides interest in compliance with LDP policy Des 1.

Public realm and Landscaping

LDP Policy Des 8 Public Realm and Landscape Design supports development where all external spaces and features, including streets, footpaths, civic spaces, green spaces, boundary treatments and public art have been designed as an integral part of the scheme as a whole. The main landscaped area is proposed along the eastern boundary of the site. The communal garden has been designed for a range of uses including recreation and socialising with areas of seating. Trees and plants are proposed to provide structure to the spaces.

The EDG target is for 50% of a space to achieve two hours or more of sunlight on 21 March. The submission has included to show a shadow path analysis of the external amenity areas assessed will exceed the BRE overshadowing target criteria on the spring equinox (21 March) attaining at least two hours of direct sunlight.

In addition, planters are also proposed at roof terrace level to increase the landscape and amenity value of these areas. There is an appropriate split between intensive and extensive green roofs proposed which will form an important biodiversity element.

Co-ordinated development

Policy Des 2 (Co-ordinated Development) states that planning permission will be granted for development which will not compromise: a) the effective development of adjacent land; or b) the comprehensive development and regeneration of a wider area as provided for in a master plan, strategy or development brief approved by the Council.

Outline details have been shown how the proposals would have an acceptable impact on potential development sites to the north and east of the proposals and should not unduly constrain neighbouring development sites.

Amenity for Future Occupiers

LDP Policy Des 5 (Amenity) sets out criteria for ensuring future occupants have acceptable levels of amenity in relation to noise, daylight, privacy or immediate outlook. Regarding privacy, the guidance states that the pattern of development in an area will help to define appropriate distances between buildings and privacy distances. The proposed layout of the development broadly reflects the existing townscape pattern which is a densely populated urban area. The development steps down in scale along Eyre Place Lane to reflect the street hierarchy.

Windows to existing residential properties will directly overlook the site from the tenement blocks at 68 and 76 Eyre Place along the frontage of the site. However, these are appropriately buffered by garden ground. The vast majority of neighbouring properties will not directly face the proposed development and are situated at oblique angles. The window distances involved can be found in other densely populated areas of the city and are considered acceptable. The application complies with LDP Policy Des 5a).

The daylight to all the habitable rooms in the proposed development have been assessed. The daylight results show that three of the 142 studio rooms tested achieve the guideline No Skyline (NSL) values. The remaining three rooms which did not meet this standard showed an Average Daylight Factor level of at least 1.2% which is above the minimum standard of 1% used when assessing daylight to bedrooms. On this basis, the deviation from guidance is justified.

A Noise Impact Assessment (NIA) has been submitted to assess impact from existing noise sources on habitable windows of the proposed development. Environmental Protection have raised no concerns and the proposals will not introduce a significant noise generating use.

Given the urban context of the site, the level of outlook and privacy afforded to future occupiers is acceptable.

Neighbouring Occupiers

The application site is near several residential properties. Representations have been received concerning the development's impact on residential amenity. A Daylight and Sunlight Assessment has been submitted to provide analysis on the impact of the proposed development. Vertical Sky Component (VSC) modelling was used on residential properties directly surrounding the site. The Edinburgh Design Guidance requires this to be more than 27 % or 0.8 of the former value of daylight. The assessment is made on the equinox date in accordance with BRE Guidance.

The analysis found that 92% of the 112 windows assessed on existing neighbouring residential properties accord with VSC criteria. For the windows which do not meet the VSC standard, the EDG recommends the use of the Average Daylight Factor (ADF) assessment as an alternative assessment method and this was applied to these nine rooms, which are spread across three buildings.

Of these, only one room fails to meet the ADF minimum standard at 64 Eyre Place. This is not indicated in the Daylight and Sunlight Assessment as a result of a kitchen diner being incorrectly labelled as a bedroom which has a lower standard. This room will receive an ADF of 1.4% against a 2% standard in the guidance. This property sits at a lower level than the road on Eyre Place Lane and as a result any new development on this brownfield site has the potential to adversely impact on daylight to this room. On this basis, and that the proposals have an urban design benefit of the having a building line following the edge of Eyre Place Lane, this deviation from guidance is justified.

A sunlight study has been included in the application to assess gardens which are located close enough to the proposed development to be adversely affected by overshadowing. The study has been carried out on March 21st in accordance with the EDG. The study shows that the proposals will result in additional overshadowing to the rear of 76/78 Eyre Place and 1-23 Rodney Street. The additional overshadowing will occur throughout the day, with no direct sunlight to the existing garden ground after 2pm.

However, the back courts of the above properties contain a number of mature trees and areas of planting. As a result, the true sunlight levels reaching these gardens will be significantly less than those shown in the study which is based on surrounding buildings only. The applicant has also shown a study dated June 21st for comparison. This shows that at the height of summer, these areas of garden ground will be much less affected by the proposals than experienced on March 21st. The existing garden ground at 64 Eyre Place will experience additional overshadowing only in the early morning of March 21st and there is no significant impact.

In terms of privacy, the back courts of tenements are already heavily overlooked by existing and neighbouring properties. The distance between the proposed three storey element of the building, and the edge of the gardens at 72-78 Eyre Place is 6.5 metres. On the basis that the proposals represent redevelopment of an existing brownfield site within a high density the impacts on existing residential occupiers is acceptable. The proposals on balance comply with LDP Policy Des 5.

Transport

LDP Policies Tra 2 (Private Car Parking) and Tra 3 (Private Cycle Parking) set out the requirement for private car and cycle parking. The Council's Parking Standards for developments are contained in the Edinburgh Design Guidance.

The proposal is to be a parking free development, with no off street parking provision. Given that this is a highly accessible location in terms of pedestrian, cycle and public transport access, this strategy meets the relevant parking standards. Reducing the impact of the car helps to create more sustainable, attractive places to live and will help to address congestion, air pollution and noise.

In terms of parking provision for people with disabilities, although no dedicated spaces are proposed on site, there is existing provision in the nearby area. For blue badge holders there is existing on street parking provision on Eyre Place on permitted single and double yellow line markings and within loading or pay and display bays.

Cycle storage provision in terms of capacity has been provided in accordance with Edinburgh Design Guidance and the Edinburgh Street Design Guidance Factsheet C7 Cycle Parking with a total of 150 spaces provided. The internal storage will be mainly two tier racks (45%) and vertical bike racks (34%). Sheffield stands will account for 21% of the total storage which will provide parking for a range of bike types and users. A stopping up order may be required to facilitate the proposed footway and road layout on site.

The application proposes alterations to the pedestrian footways around the site. A new two metre wide footway is to be formed along the eastern side of Eyre Place Lane where there is currently no provision. The existing footway to the front of the development, facing onto Eyre Place is to be widened and incorporated into the front of the building. A new Copenhagen style crossing is proposed across Eyre Place Lane to ensure that there is pedestrian priority at this junction.

The proposal complies with LDP policies Tra 2, Tra 3 and Tra 4 and the City Mobility Plan.

Sustainability

Policy Des 6 (Sustainability) states permission will be granted for new development where it is demonstrated that: a) current carbon dioxide emissions targets have been met b) features are incorporated to reduce or minimise environmental resource use. A sustainability statement has been submitted including a carbon reduction declaration to confirm the development will comply with current carbon dioxide emissions targets. In addition, low and zero carbon emitting equipment is incorporated including air source heat pumps as a community heating solution, solar PV panels to pitched roofs at fourth and fifth floor level and cycle storage to encourage use of a sustainable transport mode. The proposal therefore complies with LDP policy Des 6.

Flooding

LDP Policy Env 21 (Flood Protection) states that planning permission will not be granted for development that would increase flood risk or be at risk of flooding itself.

The site falls within an area which according to SEPA maps is at defined potential risk of surface water flooding. A Flood Risk Assessment and a Surface Water Management Plan have been provided alongside the associated checklists and certificates required for this scale of development. Flood Prevention has reviewed the information and has confirmed its acceptability.

Scottish Water does not object to the proposals, but has provided advisory notes for the applicant in relation to water and waste water capacity.

Blue/green roof elements and rain gardens are proposed to deal with surface water.

Archaeology

LDP Policies Env 8 and Env 9 aim to preserve archaeological remains in situ as a first option and alternatively where this is not possible, archaeological excavation or an appropriate level of recording may be acceptable. It has been identified that this site has potential for unrecorded remains therefore a condition could be attached to ensure a programme of archaeological work is carried out prior to /during development to excavate, record and analysis of any surviving archaeological remains that may occur.

Waste

LDP Policy Des 5 (Development Design - Amenity) sets out that planning permission will be granted for development where it is demonstrated that (amongst other matters) refuse and recycling facilities have been sensitively integrated into the design. The proposals have been designed in line with the Council's Waste Services guidance and there has been an ongoing dialogue between Waste Services and the applicant. Communal refuse storage is provided within the block with sufficient capacity in accordance with Policy Des 5.

Healthcare

The site is not within a Healthcare Contribution Zone. The site falls within the catchment for existing GP practices and it is anticipated that the additional patients can be absorbed into these practices and no new actions are required. In this regard, no contribution is required at this time.

Ecology

The site is existing developed land with little opportunity for habitat. Active bat surveys have been carried out and no evidence of current roosting found on the site where only one building remains. It is recommended that further ecological enhancements are carried out in the proposed building and these should be included as conditions.

Air Quality

LDP policy Env 22 advises that planning permission will only be granted where there will be no significant adverse effects on: air, and soil quality; the quality of the water environment; or on ground stability. An Air Quality Impact Appraisal has been submitted with the application which concludes that the development will have a negligible impact upon the local air quality during both the construction (road traffic) and operational phase.

Contaminated Land

The site has been developed for commercial and industrial uses for a significant time. These uses have the potential to contaminate the site. Should the application be granted, then a condition could be attached to ensure that the site is made safe for the proposed end use.

Conclusion in relation to the Development Plan

On the whole, the proposals are in accordance with the Development Plan associated guidance. The proposals are an acceptable design, scale, height and density are appropriate for the location and there will be an acceptable level of amenity achieved. Access arrangements are acceptable as are the proposed landscaping, surface water, sustainability and waste and recycling arrangements. There are no material considerations which outweigh the proposals accordance with the Development Plan.

b) There are any other material considerations which must be addressed?

The following material planning considerations have been identified:

SPP - Sustainable development

Scottish Planning Policy (SPP) is a significant material consideration due to the LDP being over 5 years old. Paragraph 28 of SPP gives a presumption in favour of development which contributes to sustainable development. Paragraph 29 outlines the thirteen principles which should guide the assessment of sustainable development.

The proposal complies with Paragraph 29 of SPP.

Emerging policy context

The Revised Draft National Planning Framework 4 was laid before the Scottish Parliament on 08 November 2022 for approval. As it has not completed its parliamentary process, only limited weight can be attached to it as a material consideration in the determination of this application.

On 30 November 2022 the Planning Committee approved the Schedule 4 summaries and responses to Representations made, to be submitted with the Proposed Cityplan 2030 and its supporting documents for Examination in terms of Section 19 of the Town and Country Planning (Scotland) Act 1997. At this time little weight can be attached to it as a material consideration in the determination of this application.

Equalities and human rights

Due regard has been given to section 149 of the Equalities Act 2010. An Integrated Impact Analysis (IIA) was carried out for the proposals. Although several impacts have been identified, these have not been mitigated as a result of the nature of the proposals. The findings of the IIA will be located at <https://www.edinburgh.gov.uk/directory/10244/integrated-impact-assessments>.

Consideration has been given to human rights. No impacts have been identified through the assessment and no comments have been received in relation to human rights.

Public representations

Objection 398, Support 25, Neutral 1
One petition 416 signatures

A summary of the representations is provided below:

material considerations - objections

- Failure to comply with LDP policies Env 6, Hou 4, Hou 5, Hou 8, Hou 10, Des 1, Des 2, Des 4, Des 5, Des 7, Des 11 (addressed in Section C);
- Failure to comply with non statutory guidance on student housing (addressed in Section C);
- Failure to comply with Edinburgh Design Guidance (addressed in Section C);
- Failure to comply with the city mobility plan (addressed in Section C);
- Failure to comply with SPP in terms of successful places (addressed in Section C);
- Cumulative impacts of existing student housing (addressed in Section C);
- Existing over concentration of student housing nearby (addressed in Section C);
- Poor location for accessing higher education establishments (addressed in Section C);
- Inappropriate change to the demographics of the area (addressed in Section C);
- Failure to comply with the Student Housing Guidance by sub-dividing the site (addressed in Section C);
- No on site affordable housing provided (addressed in Section C);
- No demand for student housing (addressed in Section C);
- Lack of mainstream housing (addressed in Section C);
- Lack of cluster flats (addressed in Section C);
- Does not include adequate social housing provision (addressed in Section C);
- Loss of business premises site and employment use (addressed in Section C);
- Excessive density (addressed in Section C);
- Inappropriate design/scale/mass/height/appearance (addressed in Section C);
- Adverse impact on skyline (addressed in Section C);
- Adverse impact on key views (addressed in Section C);
- Excessively modern use of materials (addressed in Section C);
- Adverse impact on the character of the New Town Conservation Area (addressed in Section B);
- Adverse impact on the World Heritage Site (addressed in Section B);

- Adverse impact on the Historic Garden Designed Landscape (addressed in Section B).
- Proposed use is not compatible with neighbouring uses (addressed in Section C).
- Loss of daylight to neighbouring properties including kitchens (addressed in Section C).
- Loss of sunlight to garden ground/overshadowing (addressed in Section C).
- Adverse impact on immediate outlook (addressed in Section C).
- Noise from roof terrace (addressed in Section C).
- Inclusion of roof terrace/karaoke space will introduce nighttime noise (addressed in Section C);
- Noise pollution from future occupiers (addressed in Section C).
- Loss of privacy/overlooking (addressed in Section C).
- Poor access to public transport nearby (addressed in Section C).
- Insufficient pick up/drop off provision (addressed in Section C).
- Area not safe for drivers and pedestrians (addressed in Section C).
- Adverse impact on traffic congestion (addressed in Section C).
- Increased pressure on existing heavy traffic (addressed in Section C).
- Insufficient parking provision for existing residents (addressed in Section C).
- Insufficient parking provision for future occupiers (addressed in Section C).
- Lack of disabled parking provision (addressed in Section C).
- Would block access to neighbouring properties (addressed in Section C).
- Existing road at Eyre Place is too narrow to accommodate development (addressed in Section C).
- Proposed raised crossing will create road safety issues (addressed in Section C).
- Pedestrian safety (addressed in Section C).
- Loss of existing open space (addressed in Section C).
- Insufficient open space provision (addressed in Section C).
- Lack of public open space in the development (addressed in Section C).
- Insufficient access to public open space (addressed in Section C).
- Impact on trees (addressed in Section C).
- Lack of swift bricks (addressed in Section C).
- Insufficient sunlight to proposed garden spaces (addressed in Section C).
- Adverse impact on biodiversity (addressed in Section C).
- Insufficient provision in local sewage network (addressed in Section C).
- Flooding issues (addressed in Section C).
- Insufficient local healthcare provision (addressed in Section C).
- Adverse impact on the operations of 'The Yard' (addressed in Section C).
- Use as short term lets during holiday periods (change of use would be required).
- Lack of public consultation by Council and developers (carried out in accordance with the relevant acts).
- Failure to comply with Equality Act 2010 (addressed in Section C and IIA);
- Failure to provide Equalities Impact Analysis (addressed in Section C and IIA);
- Failure to comply with Human Rights Act for disabled individuals (addressed in Section C and IIA);
- Insufficient accessible rooms (addressed in Section C and IIA);
- Insufficient refuse and recycling provision (addressed in Section C);
- No provision has been made for accessible bikes, cargo bikes or tandem bikes (addressed in Section C).

Non material Objection

- Failure to comply with proposed policies of City Plan 2030;
- Impact on wellbeing of neighbours;
- Edinburgh Planning Guidance: Daylighting, Sunlighting and Privacy - Finalised Version;
- Greater than 20 mins journey time to higher education provision;
- Adverse impact on the strength of the existing community;
- Shuttle buses will be required to access university accommodation;
- Developer is not from local area;
- Does not comply with 20 minute neighbourhood guidance;
- Increased anti social behaviour from future occupiers;
- Insufficient economic benefits;
- Future occupiers
- Adverse impact during the constructin period in terms of noise and disruption;
- Site not entirely in ownership of the applicant;
- Insufficient detail to show compliance with building standards;
- Failure to provide hearing loops in common spaces;
- Failure to show internal acoustic deadening;
- Insufficient fire evacuation plan;
- Insufficient provision of quiet spaces for future occupiers;
- Insufficient pre application dialogue;
- No provision of dog spending area;

Material Support

- Reduced air pollution and noise from existing commercial use;
- Easy access to public transport;
- Creates a sense of place;
- Materials reflect local character;
- Frontage will include high quality public realm;
- Reduced car ownership;
- Lack of student accommodation;
- Appropriate massing for the site;
- Improved footpath along Eyre Place Lane.

Conclusion in relation to identified material considerations

There are no equalities or human rights issues, and the proposal complies with the SPP Sustainability Principles. The material considerations do not raise any matters which would result in recommending the application for refusal. Therefore, the application should be granted.

Overall conclusion

The application for development is acceptable with regard to Sections 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and complies with relevant policies contained within the Edinburgh Local Development Plan. Nonconformities with the relevant non-statutory guidance in relation to daylight, cycle parking and use of land for student housing are justified. The proposals, preserve the character and appearance of the conservation area. There are no material considerations which outweigh this conclusion

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

Conditions :-

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted. If development has not begun at the expiration of this period, the planning permission lapses.
2. Prior to the commencement of construction works on site:
 - (a) A site survey (including initial desk study as a minimum) must be carried out to establish to the satisfaction of the Head of Planning, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and
 - (b) Where necessary, a detailed schedule of any remedial and/or protective measures, including their programming, must be submitted to and approved in writing by the Head of Planning

Any required remedial and/or protective measures shall be implemented in accordance with the approved schedule and documentary evidence to certify those works shall be provided to the satisfaction of the Head of Planning.

3. The noise mitigation measures as specified within ITP Energised noise impact assessment no. 5094 and dated 21/9/22 shall be installed prior to occupation of the development.
4. No demolition, development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (Geoarchaeological sampling and analysis, excavation, analysis & reporting, publication, public engagement) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.
5. A fully detailed landscape plan, including details of all hard and soft surface and boundary treatments and all planting, shall be submitted to and approved in writing by the Planning Authority before work is commenced on site.
6. The approved soft landscaping scheme shall be fully implemented within the first planting season of the completion of the development. All planting carried out on site shall be maintained by the developer to the satisfaction of the Planning Authority for a period of 5 years from the date of planting. Within that period any plants which are dead, damaged, missing, diseased or fail to establish shall be replaced annually with others of a size and species similar to those originally required to be planted, or in accordance with such other scheme, as may be submitted to and approved in writing by the Planning Authority.

7. A detailed specification, including trade names where appropriate, of all the proposed external materials shall be submitted to and approved in writing by the Planning Authority before work is commenced on site; Note: samples of the materials may be required.
8. Prior to the commencement of development, details shall be submitted to show the location of proposed swift bricks/boxes on the proposed building. Thereafter, the building shall be constructed in accordance with these details as approved by the Planning Authority.

Reasons: -

1. To accord with Section 58 of the Town and Country Planning (Scotland) Act 1997.
2. In order to protect the amenity of the occupiers of the development.
3. In order to ensure that the nature of the use of the premises remains compatible with the character of the surrounding area, and that no activities or processes take place which may be detrimental to its amenities.
4. In order to safeguard the interests of archaeological heritage.
5. In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site.
6. In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site.
7. In order to enable the planning authority to consider this/these matter/s in detail.
8. In order to safeguard the interests of nature conservation.

Informatives

It should be noted that:

1. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.
2. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.

3. The applicant should consider developing a Travel Plan including provision of public transport travel passes, a Welcome Pack, a high-quality map of the neighbourhood (Showing cycling, walking and public transport routes to key local facilities), timetables for local public transport.
4. The applicant should be advised that, as the development is student housing, they will not be eligible for residential parking permits in accordance with the Transport and Environment Committee decision of 4 June 2013.
5. The applicant should note that Orders may be required to redetermine or stop up sections of footway and carriageway as necessary for the development and amend waiting and loading restrictions as necessary. The applicant should be advised that the successful progression of such Orders is subject to statutory consultation and advertisement and cannot be guaranteed.
6. The applicant should note that road construction consent may be required prior to works to change or improve the adjacent footways.

Background Reading/External References

To view details of the application go to the [Planning Portal](#)

Further Information - Local Development Plan

Date Registered: 3 August 2022

Drawing Numbers/Scheme

01-07, 08B, 09-11, 12A, 13B, 14, 15A-21A, 22

Scheme 2

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Rachel Webster, Planning Officer
E-mail: rachel.webster@edinburgh.gov.uk

Appendix 1

Summary of Consultation Responses

NAME: Scottish Water

COMMENT: No objections. Scottish water will not accept any new surface water connections into the combined sewer. Existing Scottish Water assets exist on the site.

DATE: 12 August 2022

NAME: Environmental Protection

COMMENT: No objections subject to conditions.

DATE: 28 September 2022

NAME: Historic Environment Scotland

COMMENT: No comments. Our decision not to provide comments should not be taken as our support for the proposals.

DATE: 17 August 2022

NAME: Transport Planning

COMMENT: No objection subject to conditions.

DATE: 4 November 2022

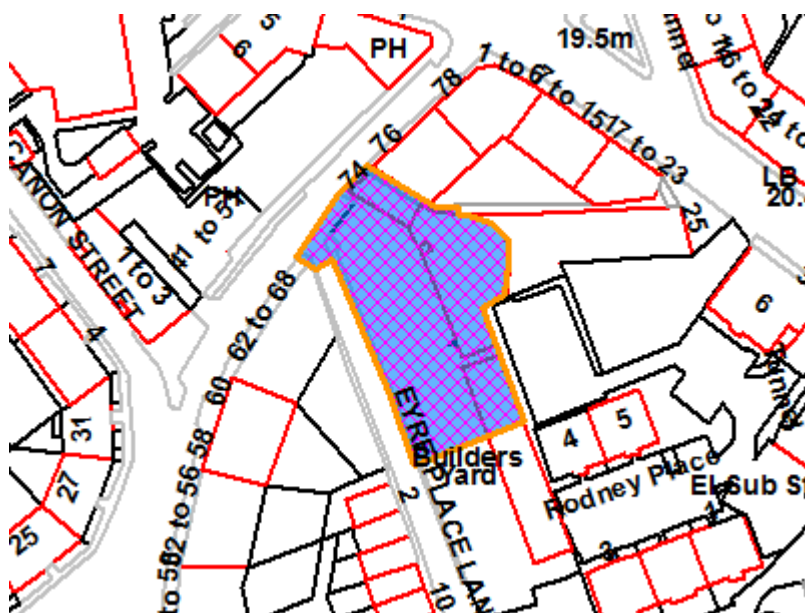
NAME: New Town/Broughton Community Council

COMMENT: Objection. Raises concerns relating to non compliance with Student Housing Guidance, loss of employment land, massing and design.

DATE: 15 September 2022

The full consultation response can be viewed on the [Planning & Building Standards Portal](#).

Location Plan



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